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# ACTS

OF A

# GENERAL NATURE,

PASSED BY THE

# LEGISLATURE OF WISCONSIN,

AT THE

## EXTRA SESSION,

IN THE YEAR 1862,

AND AT THE

## ANNUAL SESSION,

IN THE YEAR 1863,

TOGETHER WITH

## JOINT RESOLUTIONS AND MEMORIALS,

PASSED AT SAID ANNUAL SESSION.

MADISON, WIS.:
WILLIAM J. PARK, STATE PRINTER—HARDING BLOCK.
1863.

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# LIST OF MEMBERS AND OFFICERS.

"SECTION 1. * * * There shall be prefixed to each volume of the laws hereafter published, the names and residences of the several state officers, the senators and members of assembly, and the presiding officers and clerks of both branches of the legislature, at the time of the passage of such laws."—*General laws of* 1854, *chapter* 94.

## NAMES AND RESIDENCES

Of the state officers, senators, members of the assembly, presiding officers and clerks of both branches of the legislature, in office at the time of the passage of those laws contained in this volume, enacted at the extra session, in 1862.

| NAME. | OFFICE. | RESIDENCE. | |
|---|---|---|---|
| | | *Postoffice.* | *County.* |
| Edward Salomon | Governor | Milwaukee | Milwaukee. |
| William H. Watson | Private sec'y governor | Madison | Dane. |
| James T. Lewis | Secretary of state | Columbus | Columbia. |
| Edward Ilsley | Ass't sec'y of state | Madison | Dane. |
| Samuel D. Hastings | State treasurer | Trempealeau | Trempeal'u |
| Chauncey H. Purple | Ass't state treasurer | Waukesha | Waukesha. |
| James H. Howe | Attorney general | Green Bay | Brown. |
| J. J. McClellan | Ass't attorney general | Oconto | Oconto. |
| Josiah L. Pickard | State superintendent | Platteville | Grant. |
| A. J. Craig | Ass't state superinten't | Palmyra | Jefferson. |
| William H. Ramsey | Bank comptroller | Ozaukee | Ozaukee. |
| Andrew E. Elmore | Bank register | Mukwonago | Waukesha. |
| Edward D. Ilsley | Ass't bank register | Madison | Dane. |
| Alexander P. Hodges | State prison commis'r | Oshkosh | Winnebago. |
| Samuel C. Bean | State librarian | Sun Prairie | Dane. |
| Nathaniel Sawyer | Sup't public property | Shopiere | Rock. |
| Luther H. Cary | Senator | Greenbush | Sheboygan. |
| Edward Hicks | do | Green Bay | Brown. |
| Hugh Cunning | do | Ozaukee | Ozaukee. |
| F. O. Thorp | do | West Bend | Washingt'n. |
| Francis Huebschman | do | Milwaukee | Milwaukee. |
| Edward Keogh | do | Milwaukee | Milwaukee. |
| William L. Utley | do | Racine | Racine. |
| Herman S. Thorp | do | Cypress | Kenosha. |
| John T. Kingston | do | Neeedah | Juneau. |
| Geo. C. Pratt | do | Waukesha | Waukesha. |
| Samuel C. Bean | do | Sun Prairie | Dane. |

| Name. | Office. | Residence. | |
|---|---|---|---|
| | | *Postoffice.* | *County.* |
| Wyman Spooner. | Senator | Elkhorn | Walworth. |
| Samuel Cole | do | Gratiot | La Fayette. |
| Smith S. Wilkinson | do | Prairie du Sac | Sauk. |
| L. W. Joiner | do | Wyoming | Iowa. |
| Milas K. Young | do | Glen Haven | Grant. |
| Ezra A. Foote | do | Footeville | Rock. |
| Joel Rich | do | Juneau | Dodge. |
| George A. Jenkins | do | Charlestown | Calumet. |
| G. W. Mitchell | do | Ripon | Fond du Lac |
| S. M. Hay | do | Oshkosh | Winnebago. |
| Tho's R. Hudd | do | Appleton | Outagamie. |
| E. Montgomery | do | Farmington | Jefferson. |
| Edmund A. West | do | Monroe | Green. |
| Gerry W. Hazelton | do | Columbus | Columbia. |
| Benj. F. Hopkins | do | Madison | Dane. |
| E. L. Browne | do | Waupacca | Waupacca. |
| H. L. Humphrey | do | Hudson | St. Croix. |
| Charles S. Kelsey | do | Montello | Marquette. |
| N. S. Cate | do | De Soto | Bad Ax. |
| Edwin Flint | do | La Crosse | La Crosse. |
| M. D. Bartlett | do | Durand | Pepin. |
| Sat. Clark | do | Horicon | Dodge. |
| H. L. Palmer, speaker | Member of assembly | Milwaukee | Milwaukee. |
| George Abert | do | Milwaukee | Milwaukee. |
| B. F. Adams | do | Door Creek | Dane. |
| F. P. Arnold | do | South Grove | Walworth. |
| John Bannister | do | Beloit | Rock |
| H. W. Barnes | do | Eau Claire | Eau Claire. |
| Q. H. Barron | do | Fox Lake | Dodge. |
| Tho's Barry | do | Erin | Washington |
| R. L. Bassett | do | Wilmot | Kenosha. |
| A. C. Bates | do | Janesville | Rock. |
| D. R. Bean | do | Waukau | Winnebago. |
| J. W. Beardsley | do | Prescott | Pierce. |
| Jona. Bowman | do | Newport | Columbia. |
| H. W. Boyce | do | Geneva | Walworth. |
| John Boyd | do | Calumet | Fond du Lac |
| William Brandon | do | Smeltzer's Grove | Grant. |
| G. W. Brown | do | Brookfield Center | Waukesha. |
| O. Brown | do | Gilmantown | Buffalo. |
| Thomas Butler | do | Mt. Pleasant | Racine |
| James Cahill | do | Franklin | Manitowoc. |
| R. Wilson | do | Dodgeville | Iowa. |
| James Catton | do | Burlington | Racine. |
| W. H. Chandler | do | Windsor | Dane. |
| Milo Coles | do | Borina | Outagamie. |
| C. D. Combs | do | North Royalton | Waupacca. |
| J. B. Crosby | do | Palmyra | Jefferson. |
| Benj. Dockstader | do | Plymouth | Sheboygan. |
| William Datcher | do | Columbus | Columbia. |
| Geo. W. Elliott | do | Ahnepee | Kewaunee. |

| Name. | Office. | Residence. | |
|---|---|---|---|
| | | *Postoffice.* | *County.* |
| Fred S. Ellis | Member of assembly | Green Bay | Brown. |
| W. W. Field | do | Fennimore | Grant. |
| Adam Finger | do | Milwaukee | Milwaukee. |
| L. O. Gage | do | Richland Center | Richland. |
| Peter D. Gifford | do | North Prairie | Waukesha. |
| W. S. Green | do | Milford | Jefferson. |
| Geo. K. Gregory | do | Milwaukee | Milwaukee. |
| H. C. Griffin | do | Oak Grove | Dodge. |
| Orrin Guernsey | do | Rock | Rock. |
| G. H. Hall | do | Dell Prairie | Adams. |
| H. C. Hamilton | do | Wauconsta | Fond du Lac |
| C. F. Hammond | do | Ripon | Fond du Lac |
| W. E. Hansen | do | Oshkosh | Winnebago. |
| S. Hanson | do | La Grange | Walworth. |
| W. W. Hatcher | do | Waupun | Fond du Lac |
| C. Hœflinger | do | Wausau | Marathon. |
| Michael Hogan | do | Menasha | Winnebago. |
| D. D. Hoppock | do | Rubicon | Dodge. |
| N. B. Howard | do | Magnolia | Rock. |
| S. D. Hubbard | do | Scott | Sheboygan. |
| C. B. Jennings | do | Benton | La Fayette. |
| Ole Johnson | do | Breckenridge | Bad Ax. |
| E. Jussen | do | Madison | Dane. |
| Henry Kirchloff | do | Ten Mile House | Milwaukee. |
| Hollis Latham | do | Elkhorn | Walworth. |
| C. D. W. Leonard | do | Dayton | Green. |
| John F. McCollum | do | Trenton | Dodge. |
| A. S. McDill | do | Plover | Portage. |
| Campbell McLean | do | Fond du Lac | Fond du Lac |
| Michael Maloy | do | Richfield | Washington |
| N. M. Matts | do | Verona | Dane. |
| Jacob G. Mayer | do | Le Roy | Dodge. |
| Sam'l Miller | do | Shopiere | Rock. |
| J. T. Mills | do | Lancaster | Grant. |
| H. T. Moore | do | Spring Grove | Green. |
| Joseph M. Morrow | do | Sparta | Monroe. |
| Sam'l Newick | do | Beetown | Grant. |
| A. Nichols | do | Markesan | Green Lake. |
| E. Palmer | do | Edgerton | Rock. |
| J. V. V. Platto | do | Milwaukee | Milwaukee. |
| C. C. Pope | do | Black River Falls | Jackson. |
| E. K. Rand | do | Manitowoc | Manitowoc. |
| W. W. Reed | do | Jefferson | Jefferson. |
| Peter Rogan | do | Watertown | Jefferson |
| Sam'l Rounseville | do | Memee | Manitowoc. |
| J. M. Rusk | do | Viroqua | Bad Ax. |
| Rob't Salter | do | Newburg | Washington |
| Alden S. Sanborn | do | Mazo Manie | Dane. |
| Robert B. Sanderson | do | Cambria | Columbia. |
| L. Semmann | do | Oak Creek | Milwaukee. |
| J. A. Schletz | do | Grafton | Ozaukee. |
| P. J. Shumway | do | Wauwatosa | Milwaukee. |

| Name. | Office. | Residence. | |
|---|---|---|---|
| | | *Postoffice.* | *County.* |
| Godfrey Stamm | Member of assembly | Sheboygan | Sheboygan. |
| A. W. Starks | do | Baraboo | Sauk. |
| E. B. Stevens | do | Sturgeon Bay | Door. |
| T. B. Stoddard | do | La Crosse | La Crosse. |
| J. M. Stowell | do | Milwaukee | Milwaukee. |
| Geo. R. Stuntz | do | Superior City | Douglass. |
| Ailen Taylor | do | Dickeyville | Grant. |
| H. S. Thomas | do | Briggsville | Marquette. |
| J. E. Thomas | do | Sheboygan Falls | Sheboygan. |
| O. B. Thomas | do | Prairie du Chien | Crawford. |
| Sam'l Thompson | do | Hartland | Waukesha. |
| J. Stephens Tripp | do | Sauk City | Sauk. |
| C. H. Upham | do | Racine | Racine. |
| W. A. Vanderpool | do | Vernon | Waukesha. |
| John H. Vivian | do | Mineral Point | Iowa. |
| James Wadsworth | do | Darlington | La Fayette. |
| W. F. Watrous | do | Charlestown | Calumet. |
| W. C. Webb | do | Wautoma | Waushara. |
| D. R. W. Williams | do | Werner | Juneau. |
| R. Wilson | do | Dodgeville | Iowa. |
| G. W. Hazelton | Pres. of senate, *pro tem.* | Columbus | Columbia. |
| H. L. Palmer | Speaker of assembly | Milwaukee | Milwaukee. |
| J. H. Warren | Chief clerk of senate | Albany | Green. |
| E. D. Campbell | Ass't clerk of senate | La Crosse | La Crosse. |
| John S. Dean | Chief clerk of assembly | Madison | Dane. |
| E. W. Young | Ass't clerk of assembly | Prairie du Sac | Sauk. |

NOTE.—Where a superfluous word has been found in the enrolled bill, it has been printed in the text, but in italics, and inclosed in parenthesis, (*thus.*) Where a word has been found necessary to sustain the sense of the context, or where one word has been obviously mistaken for another, the word supposed to be proper has been supplied, but in brackets, [thus;] and in no case has the text of the enrolled bill been altered.

# GENERAL LAWS.

## EXTRA SESSION, 1862.

### CHAPTER 1.

[*Published September* 19, 1862.]

AN ACT to provide for holding a special term of the circuit court in the county of Jefferson, in the ninth judicial circuit.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. A special term of the circuit court of the county of Jefferson, shall be held by the judge thereof, at the court house, in the village of Jefferson, in said county, on the first Tuesday in December, A. D. 1862, for the transaction of any and all business that may be done at the regular term of said court, including the trial of issues of fact by a jury, as well as issues of law. Special term, Dec. 2, 1862.

SECTION 2. All writs, summons, process, indictments, recognizances and other proceedings made returnable to the general term of said court, fixed by law to be held in February, A. D. 1863, shall be deemed and considered returnable to the term provided for by this act; and all adjournments, continuances, motions and notices of proceedings in the circuit court of said county, made or taken to the said term to be held in February, A. D. 1863, shall be held and taken for the time prescribed by this act for the holding of said special term. Return of process, &c.

Jurors.

SECTION 3. Grand and petit jurors shall be drawn, summoned and required to attend the special term of court provided in this act, in the same manner as grand and petit jurors are by law drawn and summoned to attend general terms of the circuit courts in this state.

No other notice necessary.

SECTION 4. No notice of the holding of said special term shall be required other than the passage and publication of this act.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved Sept. 18, 1862.

## CHAPTER 2.

[*Published September* 20, 1862.]

AN ACT to repeal section two of chapter 224 of the laws of 1862, being an act entitled "an act to provide for the adjustment of the government tax for 1862."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Repeal.

SECTION 1. Section two of chapter 224 of the laws of 1862, being an act entitled "an act to provide for the adjustment of the government tax for 1862," is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved Sept. 19, 1862.

## CHAPTER 3.

[*Published September* 24, 1862.]

AN ACT to authorize the city board of equalization of the city of Sheboygan, to make and equalize the assessment in said city, for the year 1862.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Authority to board of equalization.

SECTION 1. The mayor, clerk, treasurer and assessor of the city of Sheboygan, are hereby authorized and

empowered to meet on the first day of October next, as a city board of equalization, in said city; and at such meeting, after having taken the oath required by section 22, chapter 167, of the general laws of 1859, they shall equalize the assessment of new structures, new entries and personal property in said city, for the year 1862, in the manner prescribed in said section 22, and such equalized value shall be deemed the true value thereof, and shall be so returned by the assessor and be made the basis of taxation.

Validity of equalization.

SECTION 2. Such equalization and return shall be taken and deemed the same, to all intents and purposes, as if the said equalization had been made at the time appointed by law.

Approved Sept. 23, 1862.

## CHAPTER 4.

[*Published September* 24, 1862.]

AN ACT to further explain and extend the benefits of chapter 8 of the laws of the extra session of 1861, entitled "an act to provide for the aid of volunteers in the service of the United States or of this state," approved May 25, 1861, as explained and extended by chapters 112 and 374 of the general laws of 1862, and also to provide for levying and collecting a special state tax for the purpose of extending such aid to the volunteers of this state.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Extension of benefits of volunteer aid fund.

SECTION 1. The benefits of said chapter 8 of the laws of the extra session of 1861, as explained and amended by chapters 112 and 374 of the laws of the session of the legislature of 1862, are hereby extended to and shall apply to all regiments of infantry and cavalry, and batteries of artillery, raised or to be raised in this state, which have been or may hereafter be mustered into the service of the United States or of this state, which are not included in said chapter 8 of the laws of the extra session of 1861, or in the aforesaid acts of the session of 1862, amendatory or supplementary thereto.

Special tax.

SECTION 2. There shall be levied and collected for the year 1862, a special state tax of two hundred and seventy-five thousand dollars, which shall be placed in

cur in said section, and inserting in lieu thereof the names of "Thomas Bennett and E. A. Tooker."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved Sept. 25, 1862.

## CHAPTER 10.

[*Published September* 27, 1862.]

AN ACT to authorize the secretary of state to audit accounts for telegraphing on war business.

Preamble.

*Whereas*, By orders from the war department, it is made necessary that all telegraphic messages on business connected with the organization and dispatching of troops, shall be first paid by the states; *and whereas*, there is no fund appropriated for their payment: Therefore,

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Auditing of certain accounts for telegraphing.

SECTION 1. All accounts for telegraphic messages on military business, in the executive department, and in the offices of the adjutant-general and quartermaster-general, which shall have been or shall be hereafter certified to as correct, by the governor, adjutant-general or quartermaster-general, for their respective offices, shall be audited by the secretary of state, who shall draw his warrant [warrants] therefor on the state treasurer.

To be paid by treasurer.

SECTION 2. The state treasurer is hereby authorized to pay the said accounts, and a sufficient amount of money is hereby appropriated for the payment of the same.

SECTION 3. This act shall take effect from and after its passage.

Approved Sept. 25, 1862.

# CHAPTER 11.

[*Published September* 26, 1862.]

**AN ACT to enable the militia and volunteers of this state, when in the military service of the United States or of this state, to exercise the right of suffrage.**

*Whereas*, The constitution of this state provides that white citizens of the United States, and white persons of foreign birth who shall have declared their intention to become citizens of the United States, and shall have resided one year in this state, shall be deemed qualified electors, and that "no person shall be deemed to have lost his residence in this state by reason of his absence on business of the United States or of this state:" Therefore, **Preamble.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Volunteers who are qualified electors of this state, may exercise the right of suffrage out of the state.**

SECTION 1. All qualified electors of this state who shall be in the actual military service of the United States or of this state, either within this state or without the same, on the Tuesday next succeeding the first Monday in November, in any year, shall be entitled to exercise the right of suffrage at any general election to be held pursuant to any law of this state on that day, at the several posts, camps or places where the regiment or battery of artillery, or part of a regiment not less than one company, under a separate command, to which such electors belong, may be on that day, as fully as if such electors were present at the places in this state where such election may be held, and where such persons would be entitled to vote, any provisions of law now in force to the contrary notwithstanding: *provided*, that this section shall not extend to and include any person in the regular or standing army of the United States, nor any person in any regiment, battery or company organized and officered out of this state; *and provided, further*, that the word "company," as used in this act, shall not be held or construed so as to prohibit the members of any company present for duty at any post, camp or place where such company may be stationed, from enjoying the privileges authorized by this act, although the members of said company **Provisos.**

so present shall be less in number than the minimum number required to organize a company.

Where elections may be held.

SECTION 2. To carry into effect the provisions of the preceeding [preceding] section, elections may be held at the several posts, camps or places in said section mentioned, which elections shall be conducted so far as practicable, and not inconsistent with the provisions of this act, in the manner prescribed by the general election laws of this state.

How vote to be taken, inspectors of election, &c.

SECTION 3. The vote shall be taken by companies. The three ranking officers in each company of infantry or cavalry, or battery of artillery, shall act as inspectors of elections held under the provisions of this act. In case of the absence or inability, or refusal to act, of any of the officers hereinbefore named, their duties as inspectors shall be performed by the officers next in rank. The officer highest in rank, acting as inspector of election in such company, shall be chairman of the board of inspectors. The inspectors of each company shall make a separate canvass and statement of the result, in writing, of the votes cast by such company, as hereinafter provided. The regimental and staff officers of each regiment shall be entitled to vote at the polls opened in any company of the regiment to which they belong.

Separate canvass.

Where regimental and staff officers may vote.

Clerks.

SECTION 4. The officers who shall act as inspectors under this act, shall appoint two electors to act as clerks of elections.

Inspectors and clerks to take oath.

SECTION 5. Previous [previously] to receiving any votes, the inspectors and clerks of election shall severally take an oath or affirmation that they will support the constitution of the United States, and of the state of Wisconsin, and will perform their duties as inspectors or clerks according to law, and will studiously endeavor to prevent all fraud, deceit or abuse in conducting the same. Said oath or affirmation shall be either printed or in writing, or partly printed and partly written, shall be subscribed by the persons taking the same, and may be administered by either of said inspectors, and shall be annexed to and returned with the poll-books, as hereinafter provided.

Opening and closing of polls.

SECTION 6. The polls of the election shall be opened and closed at such hours as the inspectors shall agree upon: *provided*, that time shall be given for all voters in the company or battery to vote.

SECTION 7. The ballots to be voted at the election held under this act, shall have printed or written at the top of the ballot, the name of the county in which the person offering to vote, is a voter. Each ballot, in addition to the name of the county, shall have printed or written on it the names of the persons voted for, with a pertinent designation of the office which he or they may be intended to fill; and each ballot containing a vote for member of assembly or state senator, shall have written or printed thereon the county or counties, towns or wards, constituting such assembly or senatorial district. The ballot shall be folded (if folded at all) so as to show on the outside the name of the county; and the inspectors shall refuse to receive any ballot which does not thus show the name of the county. The ballot thus prepared shall be on one piece, and all the ballots shall be deposited in one box; and it is the duty of the inspectors of the election to be satisfied that the person offering to vote is a legal voter of the county which is shown at the top of the ballot. In canvassing the votes thus cast, the inspectors shall reject all votes cast for any officer of a district (whether congressional or otherwise) not composed in part of the county named at the head of the ticket. Ballots to contain name county, &c

SECTION 8. It shall be the duty of each inspector of elections, and the privilege of each elector, to challenge any person offering to vote, when he shall know or have any reason to suspect or believe that such person is not a qualified elector; and to every person challenged by any inspector or qualified elector, one of the inspectors shall administer an oath that he will true answer make to all questions touching his residence and qualifications as an elector at the election, and the same questions, in substance, shall be put and the same proceedings had, as may be required at general elections in this state. Challenging.

SECTION 9. The clerks shall keep correct poll-lists containing the names of the voters and their respective places of residence in this state, giving the name of the town, ward, city or election precinct, and county, in which they severally have a residence, which lists shall be certified by the inspectors, or a majority of them, and clerks, to be correct. Poll-lists.

SECTION 10. After the polls are closed, the inspectors shall canvass the votes cast, and shall make a state- Canvass and return of votes.

ment of the result in writing, which canvass and statement shall be made by counties, so far as practicable, in accordance with the provisions of law relating to the general elections in this state. A copy of such statement, duly certified to be correct by the inspectors, or a majority of them, shall be transmitted to the governor, together with one of the poll-lists, and a like copy with the other poll-list, shall be transmitted to the secretary of state.

Duties of state canvassers.

SECTION 11. It shall be the duty of the state board of canvassers to meet on or before the 15th day of December next after any general election, to canvass the votes returned under this act, and they shall make statements of the votes returned, and perform other duties relating to the canvass, in accordance with existing provisions of law, so far as practicable. The said board shall also make statements of the number of votes given and returned under this act, for senators and members of the assembly, and for the several county officers, giving the names of the persons to whom such votes shall have been given for either of said offices, and the whole number of votes given for each. The state canvassers may commence the performance of their duties under this act as soon as any of the returns herein provided to be made are received, and adjourn from time to time till completed.

Certified statement of votes for senators, assemblymen and county officers.

SECTION 12. Immediately after the completion of said canvass, the secretary of state shall transmit to the clerk of the board of supervisors of each county, a certified copy of the statement, showing the votes cast for senators, members of assembly and county officers, for his county.

Duties of county canvassers.

SECTION 13. Upon receiving such statement, the clerk shall take to his assistance two justices of the peace, who, as a board of county canvassers, shall, from said statement and from the statement made in accordance with section fifty-eight of chapter seven of the revised statutes, proceed to determine the persons, by the greatest number of votes, elected as members of the senate and assembly, and to the several county offices.

When district is composed of more than one county, &c.

SECTION 14. In case a senatorial or assembly district is composed of more than one county, the secretary of state shall transmit a statement, duly authenticated, showing the number of votes for senators and members

of the assembly in such district, and for whom given, to the several clerks of the counties in such districts in which the district canvass may be required to be held by law. The clerk of such county and the county judge, shall thereupon determine from such statement and from the statement made by the district canvassers, the person or persons elected within such district, and shall certify such determination, which shall be filed with said clerk, who shall transmit to the secretary of state the names of the person or persons elected, and also to such person a certificate of his election.

When clerk of board to issue certificates of election.

SECTION 15. The clerk shall not issue certificates of election upon the determination made in accordance with section sixty, chapter seven, of the revised statutes, to persons by such determination appearing to be elected as members of the senate and assembly, except in cases when no statement shall be received by the clerk from the secretary of state on or before the 25th day of December next after the election, in which cases such certificates shall be issued upon such determination.

When determination of district canvassers shall be final.

SECTION 16. The determination made by the district canvassers in accordance with section seventy-three of chapter seven of the revised statutes, shall not be final, and no certificate of election shall be given thereon; but in case the statement herein provided to be transmitted to the clerk by the secretary of state, by section fourteen of this act, shall not be received by such clerk on or before the 25th day of December next succeeding the election, such determination shall be final, and a certificate shall be issued thereon.

Illegal voting—penalty therefor.

SECTION 17. Any person who shall vote at any election held under this act, who shall not be a qualified elector under the laws of this state, shall, on conviction thereof, be punished by imprisonment in the county jail not more than one year, nor less than six months; and any person who shall vote more than once at any such election, shall, on conviction, be punished by imprisonment in the state prison, and kept at hard labor, not more than two years nor less than one year.

Duty of secretary of state.

SECTION 18. It shall be the duty of the secretary of state to prepare suitable blanks for carrying into effect the provisions of this act, and transmit a sufficient number, together with a copy of this act, with such extracts from the general election laws as

may be necessary to enable the inspectors to perform their duties under this act, to the captain or commanding officer of each company and battery of artillery, with such instructions as he may deem necessary.

SECTION 19. This act shall be published and take effect immediately.

Approved Sept. 25, 1862.

## CHAPTER 12.

[*Published September* 27, 1862.]

AN ACT to amend section one of chapter 379 of the general laws of 1862, approved June 17th, 1862, entitled "an act to authorize the quartermaster-general to audit bills for subsisting and transporting volunteers of the Wisconsin cavalry regiments."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Authority to quartermaster-general.

SECTION 1. Section 1 of chapter 379 of the general laws of 1862, approved June 17th, 1862, is hereby amended, so as to read as follows: "The quartermaster-general is hereby authorized and required to audit all bills properly made out and certified, for recruiting, subsisting and transporting to the place of rendezvous, of their respective regiments, the volunteers of the Wisconsin cavalry regiments, and to draw warrants therefor upon the paymaster-general, in the same manner that recruiting, subsistence and transportation bills of volunteers of the Wisconsin infantry regiments are by law audited, and warrants drawn therefor.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved Sept. 25, 1862.

## CHAPTER 13.

[*Published September* 27, 1862.]

AN ACT to empower towns, cities, incorporated villages and counties to raise money for the payment of bounties to volunteers.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The qualified electors of each town, city, incorporated village, and the county board of supervisors of each county, shall have power, at any legal meeting thereof, to vote to raise such sum or sums of money as they may deem necessary, for the payment of bounties to volunteers, residents of such town, city, incorporated village or county, mustered into the military service of the United States or of this state, and shall also have power to offer such bounties and to determine and fix the amount thereof, to be paid to each of such volunteers; and all such sum or sums of money shall be subject to and paid out on the order of the board of supervisors of each town, and of the proper auditing board of each city, corporated [incorporated] village and county: *provided*, that no greater sum of money shall be voted or raised for the payment of bounty to volunteers by any such county board or electors, than has been pledged to them by such county, town, city or incorporated village, or pledged to persons advancing the money for such purpose; and no moneys contributed voluntarily as bounties to volunteers, shall ever be refunded by any county, city, town or incorporated village.

Authority to raise money to pay bounties to volunteers.

How money to be paid out.

Limit to amount to be raised.

Voluntary contributions not to be refunded.

SECTION 2. The qualified electors of each town, city and incorporated village, and the county board of supervisors of each county, shall have power, at any legal meeting thereof, to vote to appropriate the whole or any part of any sum or sums of money that heretofore has or have been, or hereafter may be, voted or raised by such town, city, incorporated village or county board of supervisors, under and by virtue of the powers granted in the act entitled "an act to provide for the assistance of volunteers in the service of the United States government," approved May 25th, 1861, to the payment or liquidation of any sum or sums of money which may have been paid, or to the discharge of any

Part of money raised may be applied to payment of liabilities incurred for bounties.

liabilities incurred, by any person or persons, for bounties to volunteers, residents of such town, city, incorporated village or county, mustered into the military service of the United States or of this state.

How claims to be audited and paid.

SECTION 3. The board of supervisors of each town, and the proper and legally constituted auditing board of each city and incorporated village, the qualified electors of which shall have voted to appropriate any sum or sums of money, as in the last preceeding [preceding] section mentioned, shall have power to audit and allow all claims and demands of all persons for money paid or liabilities incurred for bounties to volunteers, for the payment or discharge of which such appropriation as aforesaid shall have been made, and to draw orders therefor on the treasurer of such town, city or incorporated village, for the payment of all sums so as aforesaid audited and allowed by them: *provided*, such orders shall be made payable only out of the moneys as aforesaid voted or raised by such town, city or incorporated village, under and by virtue of this act; *and provided, further*, that the county board of supervisors of any county which shall have made any appropriation of moneys under and by virtue of the preceeding [preceding] section, shall have and exercise the same powers to audit and allow claims and demands against the county, and to draw orders on the treasurer of such county therefor, as are herein granted to the auditing boards of towns, cities and incorporated villages; and any such county board of supervisors may direct what amount or proportion of such appropriation shall be assessed and collected in any one year.

How money to be assessed and collected.

SECTION 4. All moneys voted or raised by virtue of the powers granted in this act, shall be assessed, collected and paid into the treasuries of the respective towns, cities, incorporated villages and counties, in the same manner as other taxes for township, city, village and county purposes are by law assessed, collected and paid into such treasuries, and shall be paid out by the treasurers of the respective towns, cities, villages and counties, on the proper orders, as provided in this act.

Special meetings.

SECTION 5. A special meeting of the electors of any town, city or incorporated village, may be called by the proper authorities, on the written request of any five electors of such town, city or incorporated village,

on a notice of not less than five nor more than twenty days; such notice to be published as in other cases of special meetings, for the purposes indicated in sections one and two of this act.

SECTION 6. All the acts, doings and votes of the electors of any town, city and incorporated village, and of any county board of supervisors, at any lawful meeting of the same, heretofore held, offering and fixing bounties to volunteers mustered into the service of the United States or of this state, or for the raising of money for the payment of such bounties, or for making appropriations of any sum or sums of money raised under and by virtue of the act in the second section of this act mentioned, and any orders, instructions or directions voted or given to the board of supervisors of any town, city or incorporated village, in relation to such bounties, or to such appropriation of moneys, shall be as valid and binding, to all intents and purposes, as if the same had been done, voted and given by virtue of powers granted and authority given under and by virtue of the laws of this state. Acts legalized.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved Sept. 25, 1862.

## CHAPTER 14.

[*Published September* 27, 1862.]

AN ACT to repeal section four of chapter 80 of the revised statutes, entitled "of agriculture."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four of chapter eighty of the revised statutes, is hereby repealed. Repeal.

Approved Sept. 25, 1862.

## CHAPTER 15.

[*Published September* 27, 1862.]

AN ACT to provide for the publication of the laws passed at the extra session, in the year 1862.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Laws of extra session to be bound with those of next regular session.

SECTION 1. The laws which have been or may be passed at the present extra session of the legislature, shall not be published and bound in volumes by themselves, but shall be bound in and with the volumes of laws which may be passed at the next regular session of the legislature.

500 may be printed in pamphlet form, &c.

SECTION 2. The secretary of state shall cause five hundred copies of the general laws which have been or may be passed at the present extra session of the legislature, to be published and stitched in pamphlet form, without covers, and forward one copy of the same to each member of this legislature, and distribute the remaining copies as the public interests may, in his opinion, require.

Publication in newspapers.

SECTION 3. Publishers of weekly newspapers publishing the laws of the present session, according to section 31 of chapter six of the revised statutes, shall be allowed the sum of five dollars in full for such service.

SECTION 4. This act shall be published and take effect immediately.

Approved Sept. 26, 1862.

## CHAPTER 16.

[*Published September* 27, 1862.]

AN ACT to provide for the indexing and transcribing [of] the journals of the senate and assembly of the extra session for the year 1862, and for other purposes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The chief clerks of the senate and assembly are hereby authorized and directed to index and complete the transcribing of the journals of the senate and assembly of the extra session for the year 1862, and to cause the same to be bound in the volume [volumes] of the journals for the regular session for the same year. Indexing, transcribing and binding of journals.

SECTION 2. There is hereby appropriated to each of said clerks the sum of twenty-five dollars, which shall be in full payment for services mentioned in section one of this act, and also for services previous [previously] to and at the opening of the present session. Appropriation to chief clerks.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved Sept. 26, 1862.

## CHAPTER 17.

[*Published September* 27, 1862.]

AN ACT to empower certain towns in the county of Rock, [counties of Rock, Green and Columbia,] to levy a tax for the payment of bounties to volunteers.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The qualified electors of each of the towns of Center, Plymouth, Union, Bradford, La Prairie, Clinton, Johnstown, Magnolia and Porter, in the county of Rock, and the towns of Albany, Brooklyn and Exeter, in the county of Green, and the town of Arlington, in the county of Columbia, shall have pow- Certain towns may raise money to pay bounties to volunteers, &c.

## CHAPTER 22.

[*Published February* 25, 1863.]

AN ACT to provide for the expenditure of the drainage fund in the town of Cold Spring, in Jefferson county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

For improvement of highways and bridges.

SECTION 1. The town of Cold Spring, in the county of Jefferson, is hereby authorized and empowered, under the direction of the supervisors, or any meeting of said town lawfully held, to appropriate, expend and use all that portion of the drainage fund now in the treasury of said town, or hereafter accruing to the town from said fund, for the improving of highways and bridges located therein.

SECTION 2. This act shall take effect and be in force from and after the first day of April next.

Approved February 24, 1863.

## CHAPTER 23.

[*Published February* 25, 1863.]

AN ACT to authorize road district No. 1, in the town of Winchester, and county of Winnebago, to expend highway tax in the town of Clayton.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Highway tax authorized.

SECTION 1. It shall be lawful for the overseer of road district number one, in the town of Winchester, and county of Winnebago, annually to lay out and expend such portion of the highway tax raised in said district, each year, as he may think proper, upon a highway hereafter to be laid out in the town of Clayton, and commencing about sixty rods south from the quarter post on the west side of section nineteen, (19,) town 20, north of range 16 east, and ending at the quarter post on the east side of said section nineteen, (19.)

SECTION 2. The town of Clayton shall not be, and the town of Winchester and overseer of said road district number one shall be, liable for any damage sustained on said road, by reason of any insufficiency or want of repairs of said road, or of any bridge or sluiceway therein, as provided by sections 120 and 121 of chapter 19 of the revised statutes. Liability of town of Winchester.

SECTION 3. This act shall be in force from and after its passage.

Approved February 24, 1863.

## CHAPTER 24.

[*Published March* 16, 1863.]

AN ACT to amend section 55 of chapter 137 of the revised statutes, entitled "of evidence."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section fifty-five of chapter one hundred and thirty-seven of the revised statutes, is hereby amended, so as to read as follows: "The examination provided for in the last section, may be had either on the trial of the action, or at any time before trial, at the option of the party claiming it, before a judge of the court, or county judge, on a previous notice to the party to be examined, and any other adverse party, of at least five days, unless, for good causes shown, the judge order otherwise. The party sought to be examined may be compelled to attend in the same manner as other witnesses, and the examination shall be taken and filed by the judge, in like manner, and may be read by either party on the trial. When such examination is had at the trial, the examination shall be oral, and shall be taken in the same manner that the examination of other witnesses at the trial is taken; and the party so examined or testifying, shall be entitled to demand and receive the same fees for travel and attendance as other witnesses." When and before whom examination may be taken. Attendance of party may be compelled. Manner of examination.

Approved March 10, 1863.

## CHAPTER 25.

[*Published March* 16, 1863.]

AN ACT to amend section one of chapter one hundred and forty-eight of the revised statutes, entitled "of proceedings by and against corporations."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

How actions against corporations to be commenced.

SECTION 1. Section one of chapter one hundred and forty-eight of the revised statutes, entitled "of proceeding by and against corporations," is hereby so amended, as to read as follows: "Actions against corporations may be commenced in the same manner that personal actions are commenced against individuals. The summons or process by which action is commenced, shall be served by delivering a copy thereof to the president or other head of the corporation, secretary, cashier, treasurer, director, or managing agent thereof; and in case any railroad company operating any railroad in this state, and whose general office is not within this state, shall be defendant, the summons or process may be served by delivering a copy thereof to any station or ticket agent in the employ of said company, in this state; but such service can be made in respect to a foreign corporation, only when it has property within this state, or the cause of action arose therein."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1863.

## CHAPTER 26.

[*Published March* 17, 1863.]

AN ACT to authorize the common council of the city of Watertown, to levy a tax on the fifth and sixth wards of said city, to aid the families of volunteers enlisted from said wards.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The common council of the city of Watertown is hereby authorized to levy a tax on the fifth and sixth wards of said city, for the purpose of rendering aid to the wives and children under fourteen years of age, of volunteers enlisted from said wards, under the calls of the president of the United States, of July second and August fourth, A. D. 1862. Such tax shall not exceed a sum sufficient to pay three dollars a month for each wife of such volunteers, and fifty cents a month for each child under fourteen years of age of such volunteers, during the term of such enlistment, and while they shall be residents of said wards, respectively. Authority to council.

SECTION 2. Such tax shall be assessed and collected in the same manner as other taxes for city purposes are assessed and collected, and all delinquent portions of said tax shall be put into the next general tax-list of said wards, and collected with other general taxes against said wards, or returned with other delinquent taxes. How tax to be assessed and collected.

SECTION 3. The money raised by virtue of such tax shall be paid out under the direction of the common council of said city. How money to be paid out.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 10, 1863.

## CHAPTER 27.

[*Published March* 2, 1863.]

AN ACT relating to the delinquent state tax of the county of Douglass.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

$1,000 remitted on state tax.

SECTION 1. The sum of one thousand dollars, being a portion of the delinquent state tax due the state from the county of Douglass, up to the year one thousand eight hundred and sixty-two, shall be discharged and canceled, upon payment by said county of the delinquent state tax due therefrom, less one thousand dollars as aforesaid: *provided*, that such payment be made prior to February 1st, 1864.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 27, 1863.

## CHAPTER 28.

[*Published March* 2, 1863.]

AN ACT to legalize the acts of certain town meetings in the town of Lowell, in Dodge county, at which bounties were voted to volunteers in the military service.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Legalized.

SECTION 1. The proceedings of a special town meeting of the town of Lowell, in the county of Dodge, at which a bounty was voted to volunteers, held on the twenty-third day of August, A. D. 1862, as amended by a subsequent special town meeting, held in said town on the thirteenth day of September, A. D. 1862, and the tax levied in pursuance thereof, are hereby made and declared to be legal and valid, to all intents and purposes, notwithstanding any errors or omissions in calling or conducting either of said meetings, or in levying said tax.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 27, 1863.

## CHAPTER 29.

[*Published March* 2, 1863.]

AN ACT to appropriate to A. P. Hodges, state prison commissioner, a certain sum of money therein named.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to A. P. Hodges, state prison commissioner, out of any money in the state treasury not otherwise appropriated, the sum of ten thousand dollars, to pay part indebtedness, and the further sum of twenty thousand dollars, to defray the current expenses of the state prison for the year 1863. For current expenses.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 28, 1863.

## CHAPTER 30.

[*Published March* 3, 1863.]

AN ACT to exempt from taxation the building known as the First Baptist church, in the city of Madison.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The building known as the First Baptist church, in the city of Madison, Dane county, and the ground to such building belonging, shall not be liable to taxation for any purpose, in consequence of the occupancy of a portion thereof by the state historical society, so long as the rental paid by said society for the use of such portion, shall not exceed the sum of one hundred and fifty dollars per annum. Exemption.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 28, 1863.

## CHAPTER 31.

[*Published March* 3, 1863.]

AN ACT to extend the time for the collection of taxes, in the town of Dunn, Dane county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Time extended to March 31st.

SECTION 1. The time for the collection of the state, county and town taxes, for the year 1863, in the town of Dunn, Dane county, is hereby extended until the 31st day of March; and the town treasurer of said town shall have the same right to proceed to collect all the unpaid taxes upon the tax-roll in his hands, in all respects, in the same manner as he would have been authorized to do, had the time of his original warrant to collect the same not expired: *provided*, that nothing in this act shall be construed to extend the time for the payment to the county treasurer, of the state tax, as now required by law.

Proviso.

SECTION 2. This act shall take effect from and after its passage.

Approved February 28, 1863.

## CHAPTER 32.

[*Published March* 3, 1863.]

AN ACT relative to the commencement and prosecution of civil actions against persons in the military service of the country.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Persons in the military service exempt from civil process.

SECTION 1. All persons, residents of this state, now in the military service of the United States or of this state, and all those who may hereafter enlist, be appointed, or drafted into the military service of this state or of the United States, shall, during such service, be exempt from all civil process; and in all civil cases now pending against any person in such service, the proceedings shall be continued and stayed until the

Stay of proceedings, &c.

discharge of such person from such service, but such exemption or stay shall in no case extend or be extended for more than three years from the time of the mustering of such person into the service, as hereinbefore mentioned.

SECTION 2. It shall be the duty of any court or judge thereof, and of any justice of the peace, whenever it shall appear that a suit has been commenced against a person while in the military service, as mentioned in the preceeding [preceding] section, to dismiss such suit as against such person; and when it shall be made to appear, in any case now pending, that the principal defendant is in the military service of this state or of the United States, it shall be the duty of the court or judge thereof, or of a justice of the peace, to stay all proceedings in such suit, as against such defendant, until he shall be discharged from such service: *provided*, the exemption and stay shall not exceed the time mentioned in the preceeding [preceding] section. Ibid.

SECTION 3. The fact that a person is in such service, may be proved or established, first, by the affidavit of such person, or any other person who may know the fact; or, 2nd, by an affidavit of any person proving that such party defendant has been mustered into such service; or, 3d, by a certificate of the adjutant-general of this state, to the effect that the muster-roll in his custody shows that such person has been mustered into such service; or where it is alleged that the defendant is in the regular service of the United States, a certificate of the secretary of war, or some other officer competent to make such certificate, giving the date when such person was mustered into the service: *provided*, that the last mentioned affidavit and certificates shall be taken and deemed to be *prima facie* evidence, only, that such person is still in such service. Upon its being alleged that such person is in such service, it shall be the duty of the court, or justice of the peace, to suspend proceedings in the action, to enable the party so alledging to obtain proof thereof. It shall not be necessary to plead or answer such fact, but the relief may be obtained, with or without notice, as the judge or court may direct.

**How fact that a person is in such service may be established.**

**Duty of the court when it is alleged that such person is in such service.**

SECTION 4. This act shall not extend or apply to persons who are prosecuted as executors, administra-

**Not applicable to executors, &c.**

tors or trustees, or for debts created in fiduciary capacity, nor to proceedings for forcible entry and unlawful detainer, nor to persons who are made defendants only as subsequent encumbrancers to the principal defendant, in actions to foreclose mortgages or mechanics' liens; and in actions against persons jointly liable upon a contract, the action shall be allowed to proceed against the joint debtor or debtors not in the service, and the judgment may be entered, enforced and collected as provided in clause one of section eleven of chapter one hundred and twenty-four of the revised statutes.

Explanatory.

SECTION 5. The time during which any person is exempt from the service of a civil process under the provisions of this act, shall not be taken as any part of the time limited by law for the commencement of any civil action in favor of or against any such person.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1863.

## CHAPTER 33.

[*Published March* 4, 1863.]

AN ACT to appropriate to William A. Pors the sum of three thousand dollars, and to obtain a reimbursement of the same from the general government.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

For property destroyed by mob.

SECTION 1. There is hereby appropriated to William A. Pors, out of any money in the state treasury not otherwise appropriated, the sum of three thousand dollars, being payment in full for loss sustained by him in the destruction of his property, by a violent resistance of the draft, while he was acting as draft commissioner for Ozaukee county, on the tenth day of November, 1862.

Proof of amount of property destroyed to be furnished.

SECTION 2. Before any of the amount appropriated by this act shall be drawn from the state treasury, the said William A. Pors shall present to the state treas-

urer a certificate, signed by the governor, to the effect that he has furnished the governor a statement, properly verified, of the nature and amount of the loss sustained, with such accompanying proof as the governor may require.

SECTION 3. It shall be the duty of the governor, upon being furnished with the statement and proof mentioned in the preceding section, to make and deliver to the said William A. Pors, the certificate mentioned in section two of this act; and as soon thereafter as practicable, place such statement, or a certified copy thereof, in the hands of the Wisconsin delegation in congress, with the request that they use their influence to secure the passage of an act of congress reimbursing the state for the amount thus paid, and report to the legislature what action is taken in the matter. Duty of governor, &c.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 4, 1863.

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## CHAPTER 34.

[*Published March* 10, 1863.]

AN ACT to extend the time for the collection of taxes in Kewaunee county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The time for the collection of taxes in the county of Kewaunee, is hereby extended until the first Monday of May, 1863. Time extended to May 4th.

SECTION 2. The collectors of taxes shall have the same power and authority to proceed in the collection of taxes in said county of Kewaunee, after as before such extension of time for the collection of said taxes, and the returns of the collectors of taxes to the county treasurer within the time limited and specified by this act, extending the time for the collection of taxes, shall be as valid and effectual as if made pursuant to the direction of the original warrant. Authority to collectors.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 4, 1863.

## CHAPTER 35.

[*Published March* 7, 1863.]

**AN ACT to authorize Thomas Hinton, B. F. Cooper, Orlando Curtis, and their associates, to construct and maintain a slide on Big Bull Falls, on the Wisconsin.**

(*See supplement to local laws.*)

## CHAPTER 36.

[*Published March* 5, 1863.]

**AN ACT** to provide for temporarily procuring the public printing.

*Whereas*, Carpenter and Hyer, state printers, refuse to do any more work for the state under their contract of August 25, 1862:

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Authority to commissioners.**

SECTION 1. The said contract of Carpenter & Hyer, bearing date the 25th day of August, 1862, entered into between them and the state of Wisconsin, for doing the public printing, is hereby rescinded, as therein provided; and the commissioners of public printing are hereby authorized to procure the work for which said contract was let, to be done, and the materials therein mentioned to be furnished, by some other person or persons, without advertising therefor, from day to day, until the same shall be relet on advertisement.

**How accounts to be audited.**

SECTION 2. The secretary of state shall audit all bills for public printing, and for materials furnished, as provided by section 1 of this act, from the time of the refusal of the late contractors to do the state printing, until the reletting of the contract on advertisement.

**Appropriation.**

SECTION 3. There is hereby appropriated out of any money in the treasury not otherwise appropriated, a sum sufficient to pay the warrants drawn by the secretary of state, in pursuance of section 2 of this act.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 5, 1863.

## CHAPTER 37.

[*Published March* 10, 1863.]

AN ACT to amend section 11 of chapter 110 of the revised statutes, entitled "of the registration of marriages, births and deaths."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eleven of chapter one hundred and ten of the revised statutes, entitled "of the registration of marriages, births and deaths," is hereby amended, by striking out the word "fifty," in the twelfth line of said section, and inserting in the place thereof the words "twenty-five," so that the clause amended will read as follows, viz.: "For granting a certified copy of the full record of any marriage, birth or death, twenty-five cents, which shall also be paid to him by the party." Fee for certificate reduced.

Approved March 6, 1863.

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## CHAPTER 38.

[*Published March* 10, 1863.]

AN ACT to amend section 57 of chapter 133 of the revised statutes, entitled "of costs and fees."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 57 of chapter 133 of the revised statutes, is hereby amended, so as to read as follows: "For publishing notices of any application of an insolvent, the same fees per folio that are allowed for publishing other legal notices." Printers' fees.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1863.

## CHAPTER 39.

[*Published March* 10, 1863.]

AN ACT to amend chapter 134 of the private and local laws of 1856, entitled "an act to incorporate the city of La Crosse," approved March 14, 1856.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amendment.

SECTION 1. That section twenty-three of chapter [nine of chapter] 134 of the private and local laws of 1856, entitled "an act to incorporate the city of La Crosse," approved March 14, 1856, is hereby amended, by inserting after the words "thought best," where they occur in the fifteenth line of said section, the following words, viz.: "or for building, constructing or repairing, or for aiding in building, constructing or repairing any highways, bridges, railroads, ferries, plank, turnpike, dirt or gravel roads, either in the states of Wisconsin or Minnesota, leading to or passing through said city," so that said section, as so ameneded, shall read as follows, viz.: "Section 23. The common council are hereby authorized to borrow, upon the credit of the said city of La Crosse, any sum of money, not exceeding fifteen thousand dollars for any one year, for any term of time, not exceeding ten years, at such rate of interest, not exceeding ten per cent. per annum, and payable at such place or places as they may deem expedient, and issue bonds or scrip therefor, under the seal of said corporation, signed by the mayor and countersigned by the clerk. Such sum or sums of money shall be expended or applied under the direction of the common council, for the permanent and useful improvement of said city, by the erection of the necessary public buildings for the use of the common council and officers of said city, or for such other improvements as may be thought best, or for building, constructing or repairing, or for aiding in building, constructing or repairing any highways, bridges, railroads, ferries, plank, turnpike, dirt or gravel roads, either in the states of Wisconsin or Minnesota, leading to or passing through said city, pledging the revenues and credit of the city for the repayment of the sum or sums so bor-

May borrow money.

How expended.

rowed, and the interest on the same: *provided*, that no sum shall be borrowed as above provided, unless by a vote of the majority of the freeholders resident in said city, cast for that purpose, at a special election held by order of the common council, notice of the same having been printed in one or more of the papers of said city, for three weeks previous [previously] to the time of voting, which notice shall specify definitely the place or places for voting, the sum to be raised for the purpose for which it is to be applied. The common council shall have power to levy a special tax on the taxable property in said city, to pay the interest on any loan which may be authorized in accordance with the provisions of this section, and also to pay the principal when the same shall become due."

To be submitted to vote of freeholders.

Interest.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1863.

## CHAPTER 40.

[*Published March* 10, 1863.]

AN ACT declaring Rush river navigable for the purposes herein mentioned.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The stream known and designated as Rush river, situated in Pierce county, and state of Wisconsin, is hereby declared navigable for the purpose of driving logs from a point on said stream, known as Thompson's mill, in the town of Martell, to Walker's mill, in the town of Elpasso, in said county; also, the same stream is declared navigable from the said Walker's mill to this mouth, for the aforesaid purpose: *provided*, nothing herein contained shall be construed so as to affect any act now in force granting to town or county boards of supervisors, the power to erect or authorize the construction of bridges across said stream; *and provided, further*, that nothing in this act shall be construed so as to affect the building and

Navigable for driving logs.

Provisos.

keeping in repair of mills and mill dams along said stream.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1863.

## CHAPTER 41.

[*Published March* 10, 1863.]

AN ACT to legalize the official acts of Isaac Farwell, a justice of the peace of the town of Arena, in Iowa county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Acts legalized.

SECTION 1. That all the official acts of Isaac Farwell, a justice of the peace of the town of Arena, in Iowa county, in this state, are hereby legalized and declared to be valid, for all purposes, as though the said Isaac Farwell had been eligible to the said office at the time of his election thereto.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1863.

## CHAPTER 42.

[*Published March* 10, 1863.]

AN ACT to legalize the official acts of Owen R. Morris, a justice of the peace of the town of Arena, in Iowa county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Acts legalized.

SECTION 1. That all the official acts of Owen R. Morris, a justice of the peace of the town of Arena, in Iowa county, in this state, are hereby legalized and declared to be valid, for all purposes, as though the

said Owen R. Morris had caused his official oath and bond to be made and filed in conformity with the statutes of this state.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1863.

## CHAPTER 43.

[*Published March* 16, 1863.]

AN ACT to change the time of holding the general terms of the circuit court in the counties of Trempealeau and La Crosse.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. General terms of the circuit court in and for the counties of Trempealeau and La Crosse, in this state, shall be held as follows, to wit: In the county of Trempealeau, on the second Monday of June, in the year 1863; in the county of La Crosse, on the third Monday of June, in the year 1863. When to be held.

SECTION 2. All writs, process, services, continuances, proceedings and recognizances, heretofore issued, made, commenced or entered into, or which may be issued, made, commenced or entered into, in or from said courts, or either of them, and all proceedings pending therein or returnable thereto, whether by recognizance or otherwise, shall be held and taken as returnable at the times mentioned in this act for holding the said courts, respectively, in the said counties of Trempealeau and La Crosse. Writs, &c., returnable.

SECTION 3. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed; and so much of any law as provides for the holding of a term of the circuit court in and for said county of La Crosse, on the first Monday of April, in each year, is hereby repealed; and so much of any law as provides for the holding of a term of the circuit court in and for said county of Trempealeau, on the first Wednesday after the first Tuesday of April, of each year, is also hereby repealed. Repeal.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 10, 1863.

## CHAPTER 44.

[*Published March* 16, 1863.]

AN ACT to legalize a certain town meeting held in the town of Forest, in the county of Fond du Lac.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Legalized.

SECTION 1. The town meeting held in the town of Forest, in the county of Fond du Lac, in the month of August, in the year 1862, for the purpose of raising money, by tax, to pay bounties to volunteers in the military service of the state or of the United States, is hereby declared valid and legal to all intents and purposes, the same as if all the provisions of the law then in force, relative to holding town meetings, had been strictly complied with.

Authority to supervisors.

SECTION 2. The supervisors of said town are hereby authorized and required to disburse all moneys raised in pursuance of the vote of said town meeting, to the purpose of paying bounties to such volunteers, and not otherwise.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 10, 1863.

## CHAPTER 45.

[*Published March* 16, 1863.]

AN ACT to vacate the plat of Cross & Ludington's addition to Milwaukee.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Vacated.

SECTION 1. The plat of ground known as "Cross & Ludington's addition to Milwaukee," being part of the west half of the south-west quarter of section number thirty, town seven, north of range twenty-two east, together with the streets and alleys thereon, excepting Washington, Cross, Ludington and Fowler streets, is hereby vacated.

SECTION 2. This act shall take effect from and after its passage.

Approved March 10, 1863.

## CHAPTER 46.

[*Published March* 16, 1868.]

AN ACT to vacate a certain alley in the first ward of the city of Milwaukee.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. That the alley running through block one hundred and thirty, in the first ward of the city of Milwaukee, is hereby vacated. Vacated.

SECTION 2. This act shall take effect from and after its passage.

Approved March 10, 1868.

## CHAPTER 47.

[*Published March* 16, 1868.]

AN ACT to legalize the recorded plot of Jacob's addition to the village of Horicon.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The recorded plot of Jacob's addition to the village of Horicon, in the county of Dodge, intended to represent the division of the eastern portion of the south-west quarter of the south-west quarter of section number six, (6,) in township number eleven, (11,) north of range number sixteen (16) east, into streets, alleys, lots, blocks, and out lots, as originally plotted and recorded by the late proprietor, Benjamin F. Jacobs, is hereby legalized, and declared to be as valid and effectual for all purposes whatever, as the same would have been, had the provisions of chapter forty-seven of the revised statutes been strictly complied with in all respects, in plotting, certifying to and acknowledging said plot. Plot legalized.

SECTION 2. All conveyances of lots or portions of said "Jacob's addition to the village of Horicon," heretofore executed by the late Benjamin F. Jacobs, Conveyances valid.

his wife, or his personal representatives, are hereby declared as valid and effectual, to pass the title to the premises therein described, as the same would have been, had the provisions of said chapter forty-seven of the revised statutes been complied with in every respect, in drafting, certifying to and acknowledging said recorded plot.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 10, 1863.

## CHAPTER 48.

[*Published March* 16, 1863.]

AN ACT to amend an act entitled "an act to incorporate the city of Sheboygan," and the several acts amendatory thereof.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Ineligibility of certain officers.

SECTION 1. No person in the city of Sheboygan, engaged in teaching any of the schools of said city, shall be eligible to the office of school commissioner in said city; and no member of the school board of said city shall be employed to teach any of the schools of said city. The common council of said city may make appointments of school commissioners to fill vacancies which may occur from any cause, and the commissioners so appointed shall hold their office until the next charter election. Any school commissioner in said city may be removed from office, for neglect of duty or other official misconduct, by the common council, on a vote of two-thirds of the members thereof present and voting; but said commissioner shall be granted a fair hearing before removal.

Vacancies—how filled.

Removal of school commissioner.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1863.

## CHAPTER 49.

[*Published March* 16, 1863.]

AN ACT for the preservation of fish in Geneva lake, Walworth county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. No person or persons shall place, set, draw or use any seine, net, pound or gill-net, or any other contrivance or device, other than hook and line or spear, in the waters of Geneva lake, in Walworth county, for the purpose of taking or catching fish; and any person or persons who shall violate any of the foregoing provisions of this section, shall, on conviction thereof, be subject to a fine for each and every such offense, of not less than one dollar, nor more than twenty dollars, with costs of suit. Fishing with seine, nets, &c., prohibited. Penalty.

SECTION 2. Justices of the peace shall have jurisdiction to hear, try and determine all cases arising under the provisions of this act: *provided*, that the defendant shall not be deprived of his right of trial by jury, nor of his right of appeal, as in other cases. Jurisdiction of justices.

SECTION 3. All the provisions of section twenty-four of chapter one hundred and eighty-three of the revised statutes of this state, shall apply to and be in full force and effect in the construction and enforcement of this act. Application of statutes.

SECTION 4. This act shall not be construed as applying to any Indians, not civilized, who may reside within the limits of this state. Not applicable to Indians.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 13, 1863.

## CHAPTER 50.

[*Published March* 17, 1863.]

AN ACT relative to the publication of lands sold for taxes in certain cases.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Publication of lands omitted in clerks' lists.

SECTION 1. Whenever by mistake, omission or otherwise, the clerk of the county board of supervisors of any county of this state, shall neglect or fail to include in his list, any tract or tracts of land, as required by section 16 of chapter 22 of the session laws of 1859, the same may be published at any time within one year after the three years mentioned in said act shall have expired: said publication to be made in the same manner and for the same period of time as in said section required; and all deeds of lands made in pursuance thereof, shall be as valid and effectual as if the publication had been made in the manner required by said act.

Validity of deeds issued thereon.

Publication of omitted lands for taxes of 1858.

SECTION 2. All or any tracts of land sold in the year 1859, for taxes of 1858, which may have been omitted to be advertised for conveyance, in consequence of any error, mistake or misdescription thereof made by the clerk of the board of supervisors, may be published for the length of time required by said act, at any time within one year from the date of the passage of this act; and all deeds made in pursuance thereof, shall be as valid and effectual as if made in accordance with said section sixteen.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1863.

# CHAPTER 51.

[*Published March* 17, 1863.]

AN ACT to provide for the purchase of certain copies of Webster's dictionary, for the supply of deficient school districts of the state.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The state superintendent of public instruction, with the consent and approval of the governor, is hereby authorized to purchase, on behalf of the state, one hundred copies of Webster's unabridged dictionary of the English language: *provided*, that the cost shall not exceed four dollars and fifty cents per copy, to supply the deficient school districts of the state. State superintendent to purchase. Price.

SECTION 2. Such dictionaries, when purchased, shall be distributed by the state superintendent, on the receipt of the affidavit, in due form, (which shall be kept in his office,) of any town or district clerk, or city superintendent of schools, that such town, city or district, or any public school or department in the public schools thereof, has not yet been supplied by the state with a copy of the said dictionary, sending one dictionary for each public school or department thereof, taught therein. How to be distributed.

SECTION 3. Such dictionaries, when received by the several districts in this state, shall be considered as belonging to the library of the district, and shall be subject to the same laws and regulations as other library books; but during the time a school shall be taught therein, it shall be and remain in the school room during the hours of school, for the exclusive use of the scholars and teachers of such schools, and under the control of the teacher or principal, who shall be responsible to the district for its loss, or for any unnecessary damage it may receive, the same as any other book of the district library. Shall belong to library, &c.

SECTION 4. There is hereby appropriated out of the income of the school fund, a sum of money sufficient to pay for the dictionaries provided for in this act, and the Appropriation.

state superintendent of public instruction shall certify to the state treasurer the amount of such expenditure.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1863.

## CHAPTER 52.

[*Published March 17, 1863.*]

AN ACT to change the time of holding the general terms of the circuit court in the sixth judicial circuit.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

General terms.

SECTION 1. That hereafter, the general terms of the circuit court in and for the counties composing the sixth judicial circuit in this state, shall be held as follows, to wit: In the county of Clark, on the first Monday of March, and the first Monday of September, in each year; in the county of Jackson, on the second Monday of March, and the second Monday of September, in each year; in the county of Monroe, on the third Monday of March, and the third Monday of September, in each year; in the county of La Crosse, on the fourth Monday of March, and the fourth Monday of September, in each year; in the county of Vernon, on the fourth Monday of April, and the second Monday of October, in each year; in the county of Richland, on the third Monday of April, and the third Monday of October, in each year; in the county of Crawford, on the fourth Monday of May, and the fourth Monday of October, in each year; in the county of Trempealeau, on first Monday of May, and the first Monday of November, in each year; in the county of Buffalo, on the second Monday of May, and the second Monday of November, in each year.

Clark county. Jackson. Monroe. La Crosse. Vernon. Richland. Crawford. Trempealeau. Buffalo.

Return of process, &c.

SECTION 2. All writs, process, services, continuances, proceedings and recognizances, heretofore issued, made, commenced or entered into, or which may be issued, made, commenced or entered into, in or from said courts, or either of them, and all proceedings pend-

ing therein or returnable thereto, whether by recognizance or otherwise, shall be held and taken as returnable at the times mentioned in this act for holding the said courts, respectively, in the said several counties.

SECTION 3. All acts or parts of acts conflicting with or contravening the provisions of this act, are hereby repealed. Repeal.

SECTION 4. This act shall take effect and be in force from and after the first day of July, 1863.

Approved March 13, 1863.

## CHAPTER 53.

[*Published March* 16, 1863.]

AN ACT relating to the sale of lands for the unpaid taxes of the year 1861, in certain cases.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. If, for any cause, the treasurer of any county or city did not sell the lands which he was authorized to sell for unpaid taxes, by chapter 339 of the general laws of the year 1862, the treasurer of such county or city shall, on the first Monday of May next, proceed to sell all lands on which the taxes, interest and charges for the year eighteen hundred and sixty-one shall then remain unpaid. Such sale shall be conducted, and notice thereof given, in the same manner, in all respects, as provided by law in case of other sales made by such officer. Lands sold under this act may be redeemed from such sale, and deeds thereof shall be given, in the same manner and with like effect as in other cases of sales by such officer. Sale of lands for unpaid taxes of 1861. Redemption, &c.

SECTION 2. This act shall be in force and take effect immediately after its passage and publication.

Approved March 13, 1863.

## CHAPTER 54.

[*Published March* 16, 1863.]

AN ACT to amend chapter 134 of the general laws of 1858, entitled "an act concerning testimony."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

In case of personal injuries, married women may be witnesses on their own behalf.

SECTION 1. Section two of chapter 134 of the general laws of 1858, entitled "an act concerning testimony," is hereby amended, by adding thereto the following words, viz.: "And in case of an action for damages for personal injuries to a married woman, this section shall be so construed as to allow such married woman to be a witness on her own behalf, in the same manner as if she were not married."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 13, 1863.

## CHAPTER 55.

[*Published March* 17, 1863.]

AN ACT to amend chapter 13 of the general laws of 1862, entitled "an act to provide for the publication of the reports of the several state departments and state institutions."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2,000 of each report to be printed.

SECTION 1. Section 1 of chapter 13 of the general laws of 1862, is hereby amended, so as to read as follows: "Section 1. Within ten days after the annual reports of the several state departments and institutions shall have been placed in the hands of the governor, he shall deliver them to the public printer, who shall immediately proceed to print two thousand copies of each of said reports, twelve hundred of which shall be folded and stitched in pamphlet form, three hundred for the use of the institution or department making the same, and the remainder shall be laid before the legislature

1,200 of each to be bound in pamphlet form.

at the commencement of the ensuing session, for the use of the members. The remaining eight hundred of each of said reports, together with the annual message of the governor to the legislature first to convene after the delivery of said reports, shall be bound into eight hundred volumes, each containing one of each of said reports and message, and shall be delivered to the superintendent of public property within one month after the commencement of the legislature, who shall retain fifty copies for the use of the state departments, one hundred and fifty copies for the use of the next succeeding legislature, and lay the remainder before the legislature then in session."

800 of each, together with message, to be bound into 800 volumes.

When to be delivered, and how distributed.

SECTION 2. So much of any act as requires the printing of the reports of any of the state departments, or public institutions, in any greater or less number, or in any other form than that required by this act, is hereby repealed.

Repeal.

Approved March 13, 1863.

## CHAPTER 56.

[*Published March* 16, 1863.]

AN ACT to extend the time for the collection of the village taxes in the village of Oconto, in this state.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The time for the collection of village taxes, in the village of Oconto, in the county of Oconto, is hereby extended till the first Monday of April, 1863.

Time extended to April 6th.

SECTION 2. The marshal of said village shall have the same power and authority to collect the taxes contained in said village roll, after as before such extension of the time for the collection of said taxes; and the return of the village marshal to the village treasurer, within the time limited for the collection of taxes by this act, shall be as valid as if made pursuant to the original warrant, and no extension had been made.

Authority to marshal, and his return.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 14, 1863.

## CHAPTER 57.

[*Published March* 16, 1863.]

AN ACT to extend the time for the collection of taxes in the town of Forest, in the county of Fond du Lac.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Time extended to April 1st.

SECTION 1. The time for the collection of taxes in the town of Forest, in the county of Fond du Lac, and state of Wisconsin, is hereby extended until the first day of April next: *provided*, this act shall not affect the collection and paying over of the state and county taxes for said town.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1863.

## CHAPTER 58.

[*Published March* 17, 1863.]

AN ACT to amend chapter 93 of the private and local laws of 1858, entitled "an act to consolidate and amend the act to incorporate the city of Portage, and the several acts amendatory thereof."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Elective officers.

SECTION 1. Sections two and three of chapter two of chapter ninety-three of the private and local laws of 1858, are hereby amended, so as to read as follows: "Section 2. The officers to be elected by the people, shall be a mayor, treasurer, marshal, clerk, assessor, and a superintendent of schools, for the city; and two aldermen, and one constable, and one justice of the peace, for each ward. All other necessary officers shall be appointed by the common council. All elective officers, except justices of the peace and aldermen, shall, unless elected to fill a vacancy, hold their respective offices for one year, and until their successors are elect-

ed and qualified: *provided, however*, the council shall have power, for due cause, satisfactory to them, to expel any of their own number, and to remove from office any officer or agent of the city, except justices of the peace, due notice and an opportunity for a hearing having been first given to the officer proposed to be removed. Justices of the peace shall hold their offices for two years, and until their successors are elected and qualified. The term of every officer elected under this act, shall commence on the first Tuesday in April of the year for which such officer is elected, and the term of office of all appointed officers shall expire with that of the members of the body appointing them."

Expulsion, removal, &c.

Terms of office.

"SECTION 3. Whenever a vacancy shall occur in the office of mayor, or alderman, or justice, the council may order a new election, and shall give five days' notice thereof. Vacancies in other offices shall be filled by the council. The person elected or appointed to fill a vacancy, shall hold his office and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill."

Vacancies—how filled.

SECTION 2. Said chapter two of chapter ninety-three as aforesaid, is hereby further amended, by adding a new section, as follows: "Section 7. There shall be elected at the annual charter election in 1863, in the same manner that other officers are elected, two aldermen in each ward of the city, one of which [whom] shall hold his office for the term of one year, and the other for two years; and at every annual election thereafter, there shall be elected one alderman for each ward, who shall hold his office for the term of two years. There shall be written or printed, or partly written and partly printed, over the name of the person voted for for alderman for one year, at the annual charter election in 1863, the words 'for alderman for one year,' and over the name of the person voted for for alderman for two years, the words 'for alderman for two years;' and annually thereafter, the words 'for alderman,' shall be sufficient."

Election of aldermen.

Form of ballott.

SECTION 3. Sections 10 and 11 of chapter six of chapter ninety-three as aforesaid, are hereby amended, so as to read as follows: "Section 10. Every street commissioner shall hold his office for the term of one year from the first Tuesday in April of the year in

Street commissioners—term of office, report, &c.

which he is appointed, and shall on or before the first Monday of November, render an account, under oath, to the common council, showing the amount of money collected by him as such commissioner, and from whom it was collected, and also showing the amount of money that has been expended, specifying the work for which it was expended. Such an account shall also be rendered as often as the council shall require the same."

Poll-tax—who liable.

"SECTION 11. It shall be the duty of every male inhabitant in the city, being over the age of twenty-one years, excepting pastors of churches, persons over fifty years of age, idiots and lunatics, paupers, and persons of color, to pay each year, when demanded by the proper street commissioner, a poll-tax of one dollar, and in default of paying the same, when demanded by the proper officer, he shall forfeit and pay a penalty of three dollars. Each street commissioner shall, within sixteen days after being notified of his appointment, deliver to the city clerk a list, subscribed by him, of the names of all the inhabitants of his ward who are liable to pay taxes on the highways, and the clerk shall lay the same before the council at their next meeting.

Council may correct list, &c.

The common council may correct and perfect said list, and shall thereupon assess a poll-tax of one dollar upon each person named in said list, for street and highway purposes. Warrants for the collection of such tax shall be made out by the clerk, under the seal of the city, and shall be subscribed by the mayor and clerk, and delivered to the street commissioners, in the same general manner as in towns, and the street commissioner shall proceed to collect the same as required by law. Whenever any person shall neglect or refuse to pay his poll-tax, the street commissioner may commence suit for the penalty incurred by the party refusing to pay the tax, in the name of the city, as provided by law in other cases. All laws relating to the collection of poll-taxes in towns, when not inconsistent with the provisions of this act, shall be in force in said city, the same as though they were a part of this charter."

Application of statutes.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1863.

## CHAPTER 59.

[*Published March* 17, 1863.]

AN ACT to amend chapter 11 of the general laws of the extra session of 1862, entitled "an act to enable the militia and volunteers of this state, when in the military service of the United States or of this state, to exercise the right of suffrage."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of chapter eleven of the general laws of the extra session of 1862, entitled "an act to enable the militia and volunteers of this state, when in the military service of the United States or of this state, to exercise the right of suffrage," is hereby amended, by inserting after the word "notwithstanding," and before the word "provided," where it first occurs [where they first occur] in said section, the following: "And all such qualified electors, either within this state or without the same, on the first Tuesday of April, shall be entitled to exercise the right of suffrage at any election of judges of the county or circuit courts, and for justices of the supreme court, held pursuant to law, on that day, in the county of which such electors shall be residents, in such places and in such manner as is prescribed in this act and the act to which this [is] amendatory, for the exercise of the right of such electors at any general election." Soldiers may vote for judges.

SECTION 2. It shall be the duty of the state board of canvassers to meet on or before the 15th day of May next after any election of judges of the county or circuit courts and of justices of the supreme court shall have been held, to canvass the votes for such judges and justices, returned under the provisions of this act and the act to which this is amendatory, and shall perform the duties of such canvass in accordance with the provisions of the act to which this [is] amendatory, and the law relating to general elections, so far as the same are applicable. Duty of state canvassers.

SECTION 3. Immediately after the completion of said canvass, the secretary of state shall transmit to the clerks [clerk] of the board of supervisors of each county in which an election of county judge has been held, a certified copy of the statement show- Duty of secretary of state.

Duty of clerk of the board, &c.

ing the votes cast for county judge in his county; and after receiving such statement, the said clerk shall proceed to constitute a board of county canvassers, and said board of canvassers shall proceed to determine the person elected county judge, in the same manner as is provided in section thirteen of the act of which this [is] amendatory.

SECTION 4. This act shall take effect immediately after its passage and publication.

Approved March 16, 1863.

## CHAPTER 60.

[*Published March* 20, 1863.]

AN ACT to amend chapter 248 of the private and local laws of 1853, entitled "an act to incorporate the Fond du Lac and Mississippi railroad company."

(*See supplement to local laws.*)

## CHAPTER 61.

[*Published March* 20, 1863.]

AN ACT for the relief of the Sheboygan county agricultural society.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

When order may be issued in favor of.

SECTION 1. The secretary of state is hereby authorized and directed to issue an order upon the state treasurer, in favor of the Sheboygan county agricultural society, pursuant to section five of chapter fifty-three of the general laws of 1858, in the same manner as though the annual report of said society had been received and filed previously to the first day of February, 1863.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 18, 1863.

# CHAPTER 62.

[*Published March* 21, 1863.]

AN ACT to amend chapter twenty-three of the revised statutes, entitled "of common schools."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section nine of chapter twenty-three of the revised statutes, is hereby amended, by striking out the word "six," in the third line thereof, and inserting in its stead the word "seven," so that said section shall read as follows: "The annual meeting of each school district shall be held on the last Monday of September, in each year, and the hour of such meeting shall be seven o'clock in the afternoon: *provided*, that at the first annual meeting of any school district held after the passage of this act, a majority of the electors of said district may determine that the annual meeting of such district shall be held upon the last Monday in August, in each year; said determination to take effect when a copy of the proceedings of said annual meeting shall have been filed with the town clerk of the town in which said district (or in case of a joint district, in which the school house of such district) is situated, and to remain in force until rescinded by the vote of a majority of the electors of said district: the meeting held in pursuance of such determination, to be deemed the legal annual meeting of said district, the same as if held upon the last Monday of September, in each year." **Annual meeting of district.**

SECTION 2. Section twenty-five of said chapter twenty-three, is hereby amended, so as to read as follows: "It shall be the duty of the clerk of each school district in this state, within ten days after the election or appointment of any school district officer, to report the names and postoffice address of such officer to the town clerk of his town, or in case it be a joint district, to the town clerk of each town in which any part of the district is situated; to record the proceedings of the district board and of each district meeting in a book to be provided by the district for that purpose; to enter therein copies of all reports made by him to the town clerk; to make therein, or in some suitable book provided for that purpose, an accurate record of all orders drawn upon the treasurer, and **Duties of clerk.**

to keep and preserve all records, books and papers belonging to his office, and deliver the same to his successor."

Clerk to draw orders on treasurer for teachers' wages, &c.

SECTION 3. Section thirty-two of said chapter twenty-three, is hereby amended, so as to read as follows: "It shall be the duty of the clerk to draw orders on the treasurer of the district for money in the hands of such treasurer, which has been apportioned to or raised by the district, to be applied to the payment of teachers' wages, and also to draw orders on said treasurer for moneys in his hands, to be disbursed for any other purpose for which the same shall have been voted by the district, agreeably to the provisions of this chapter: *provided*, each order shall designate the object for which it is drawn, and shall be countersigned by the director."

District clerk to deliver to town clerk statement of taxes voted, &c.

SECTION 4. Section thirty-four of said chapter twenty-three, is hereby amended, by inserting after the word "require," in the seventh line of said section, the following words: "and the tax voted at any special meeting, held between the time of the annual meeting and the third Monday in November," so that said section shall read as follows: "The clerk of each school district shall, on or before the fourth Monday of November, in each year, deliver to the town clerk of the town in which the district is situated, a statement in writing, verified by his affidavit, showing the amount of tax or taxes voted to be raised at the last preceding annual meeting, or at the first meeting after the organization of the district, or both, as the case may require, and the taxes voted at any special meeting, held between the time of the annual meeting and the third Monday of November following, together with a list of all persons and corporations liable to a school district tax therein. In case of a joint district, he shall deliver to the town clerk of each town in which any part of the district is situated, a statement, so verified, showing the proportion of tax to be so assessed in that part of the district within such town, together with a list of all persons and corporations liable to a school district tax in that part of the district. Such proportion shall be ascertained from the valuations contained in the last assessment rolls of their respective towns; and to enable the district clerk to ascertain the same, the town clerk of each town shall, on

If joint district to clerk of each town, &c.

demand, at any time after he shall have received the equalized assessment roll of his town, deliver to the clerk of any such joint district a certified statement of the valuation of real and personal property in that part of such district lying within his town, as the same appears from said assessment roll."

Town treasurer to receive and pay over school moneys, &c.

SECTION 5. Section thirty-six of said chapter twenty-three, is hereby amended, so as to read as follows: "It shall be the duty of the town treasurer of each town, 1st. To apply for and receive of the county treasurer, all moneys apportioned for the use of common schools in his town, and to pay the same, together with all moneys raised in the town for the support of schools, to the treasurers of the districts entitled to receive them, upon the order or apportionment of the town clerk. 2d. To pay over to the district treasurers, on demand, all school district taxes raised in each district and collected by him, and the amount of all school district taxes returned to the county treasurer of his county, as delinquent, whenever the same shall have been collected and paid over by said county treasurer to such town treasurer; or, if any such town treasurer shall receive credit from the county treasurer for such delinquent tax, or any part thereof, on account of any demand or claim due from such town to said county, then said town treasurer shall pay over the amount of such delinquent tax, or the part for which credit has been so received, to the treasurer of the proper school district, on demand thereafter. 3d. On or before the second Monday of March, in each year, to certify to the town clerk the amount of school moneys in his hands, to be apportioned by said clerk, and immediately upon the receipt of any moneys from the state school fund, to certify the same to the clerk for apportionment."

Duties of town clerk

Annual reports.

SECTION 6. Section forty-five of said chapter twenty-three, is hereby amended, so as to read as follows: "It shall be the duty of the town clerk to see that the annual reports of the clerks of the several school districts in his town are made correctly, and in due time, and to receive and keep all such reports made to him by the district clerks, with all orders and notices of the board of supervisors of the town, in relation to the formation or alteration of school districts, and file them

Descriptions and maps of school districts.

in his office: and he shall record in a book kept for that purpose, such descriptions of school districts and organization or alteration thereof, as shall be furnished him by the board of supervisors. He shall also make and keep in his office a map of the town, showing the exact boundaries of all the school districts therein, as appears from the records on file, and when a new district is formed, shall furnish a map thereof to the district clerk. He shall, within ten days after his election or appointment, report his name and postoffice address to the county superintendent, and the name and address of each district clerk, within ten days after the filing of the same in his office. He shall apportion the school moneys raised by the town and collected by the town treasurer, on the third Monday of March, and those received from the state, through the county treasurer, on the third Monday of June, in each year, or as soon thereafter as the same shall be collected or received by the town treasurer, to the several districts and parts of districts within the town, in proportion to the number of children residing in each, over the age of four and under the age of twenty years, as the same shall appear from the last annual reports of their respective clerks."

Postoffice address of district clerk.

Apportionment of school moneys raised by town.

Penalty for neglect of town superintendent to report, or to execute order of state superintendent.

SECTION 7. Section eighty-nine of said chapter twenty-three is hereby amended, so as to read as follows: "Every town clerk who shall refuse or neglect to make and deliver to the county superintendent his annual report, as required in this chapter, within the time limited therefor, shall be liable to pay the full amount of money lost by such neglect or refusal, with interest thereon, to be recovered by the town treasurer, in the name of the town; and every town clerk who shall neglect or refuse to carry into effect any decision or order of the state superintendent, shall be liable to removal by the town board of supervisors, upon proper notice thereof, and the said board shall have full power to fill any such vacancy, in such manner as vacancies in other town offices are filled."

Penalty for neglect of county superintendent to report to state superintendent.

SECTION 8. Section ninety of said chapter twenty-three, is hereby amended, so as to read as follows: "Every county superintendent who shall neglect or refuse to make the report required to be made by him to the state superintendent, by section seven of chapter one hundred and seventy-nine of the general laws of

1861, within the time limited therefor, shall be liable to pay to each town the amount which such town or any school district therein, shall lose by such neglect or refusal, with interest thereon, to be recovered by the town treasurer in an action prosecuted in the name of the town or district."

Application of statutes to cities and villages.

SECTION 9. All the provisions of section thirty of said chapter twenty-three, in reference to the annual reports of the district clerks, shall apply to and be in force in every city and incorporated village in this state; and each city and village clerk, or clerk of the board of education, shall make and transmit to the county superintendents of schools for the county or district in which such city or village is situated, the report required by section forty-six of said chapter twenty-three, within the time therein prescribed, anything in the provisions of their [its] charter to the contrary notwithstanding.

District treasurer may prosecute town treasurer for not paying over school moneys.

SECTION 10. Section ninety-four of said chapter twenty-three, is hereby amended, so as to read as follows: "The treasurer of any legally organized school district shall prosecute the town treasurer of the town in which such district is situated, for the recovery of any moneys lawfully due and belonging to such district, in all cases when such town treasurer shall neglect or refuse, for the space of ten days after demand made therefor, to pay over to the proper officer the school moneys aforesaid."

Director to prosecute treasurer in certain cases.

SECTION 11. Section thirteen of chapter one hundred and thirty-eight of the general laws of 1858, now comprising a part of said chapter twenty-three, R. S. is hereby amended, so as to read as follows: "Any district treasurer who shall use or pay out any moneys in his hands belonging to the district, without authority of law, shall be liable to a penalty of not less than five nor more than fifty dollars, and it shall be the duty of the director to prosecute the treasurer for the recovery of said penalty. In case the director shall refuse or neglect to prosecute, he shall be liable to a penalty of twenty dollars."

Penalty for disturbing school.

SECTION 12. Any person who shall willfully or maliciously interrupt, or in any way molest or disturb any private or public school, while in session, shall, upon conviction thereof, be punished by fine not exceeding twenty-five

dollars, or by imprisonment in the county jail not exceeding thirty days.

Property of disorganized districts.

SECTION 13. Whenever any district shall become disorganized by the operation of the law in relation to the alteration of districts, the town supervisors shall take charge of the property belonging to the district at the time of its disorganization, dispose of the same by grant or otherwise, and apply the proceeds to the discharge of its debts, paying over the balance, if any, to the treasurers of the districts to which the territory has been attached, in proportion to the valuation of the property so attached to each, as appears from the last assessment roll of the town.

Penalty for purchasing orders at a discount.

SECTION 14. Any district treasurer who shall purchase or receive any order drawn upon him for less than the sum expressed in said order, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by fine not exceeding fifty dollars, or by imprisonment in the county jail not exceeding thirty days.

Penalty for drawing and countersigning unauthorized orders.

SECTION 15. Any clerk who shall draw an order upon the treasurer for purposes not authorized by law or by a vote of the district, and any director who shall countersign such order, shall be liable to a fine of not less than five, nor more than one hundred dollars, and the district may authorize any elector to prosecute, for the use and benefit of such district, for the recovery of the fine prescribed in this section.

Penalty for neglecting to prosecute officer.

SECTION 16. Whenever any person designated by said chapter twenty-three, or any amendments thereof, to prosecute a district officer, or other school or town officer, for neglect of duty or for illegal action, shall fail or neglect to prosecute said officer for the space of ten days after being requested by any elector so to do, and in all cases not otherwise specially provided for, the voters of a district, at any regular meeting, either annual or special, may authorize any elector to commence and prosecute an action against such officer, in the name and for the use and benefit of the district, for the recovery of the fine or the infliction of the penalty prescribed by law for the failure of such officer to perform his duty, or for the illegal action of said officer.

Treasurer to keep record of receipts and disbursements, make annual report of the same, &c.

SECTION 17. Section twenty of said chapter twenty-three, is hereby amended, so as to read as follows: "The treasurer shall keep a book in which he shall enter all the moneys received and disbursed by him, specifying,

particularly, the sources from which money has been received, and the persons to whom and the objects for which the same has been paid out. He shall present to the district, at each annual meeting, a report, in writing, containing a statement of all moneys received by him during the preceding year, and of the disbursements made by him, with the items of such disbursements, and exhibit the vouchers therefor; and at the close of his term of office, he shall settle with the district board, and shall hand over to his successor his book and all receipts, vouchers, orders and papers coming into his hands as treasurer, together with all moneys remaining in his hands as such treasurer."

Annual report of clerk.

SECTION 18. The first clause of section thirty of said chapter twenty-three, is hereby amended, so as to read as follows: "It shall be the duty of the clerk, between the first and tenth days of September, in each year, to make and transmit to the town, city or village clerk, a written report, dated on the first day of September, in the year in which it shall be transmitted, signed by said clerk and verified by his affidavit, showing:"

Penalty for neglecting to make annual report.

SECTION 19. Section ninety-two of said chapter twenty-three, is hereby amended, by adding thereto the following words: "And any district clerk who shall willfully neglect to make the annual report from his district, as required in this chapter, shall be liable to pay the whole amount of money lost by said district in consequence of his neglect, which moneys shall be recovered in an action prosecuted by the director, in the name of the district."

Penalty for not carrying into effect decision of state superintendent.

SECTION 20. In case the town board of supervisors shall refuse or neglect to carry into effect any decision of the state superintendent, made upon an appeal from their action, or refusal to act, each member of the board thus refusing or neglecting shall be liable to a penalty of fifty dollars, to be prosecuted for and recovered by any elector of the district from which the appeal is taken. Such suit shall be brought in the name of the district, and in case judgment shall be rendered against the defendant, the forfeiture recovered shall be applied, in the first place, to pay the necessary expenses of the prosecution not chargable to the defendant, and the balance shall be paid into the district treasury.

Repeal.

SECTION 21. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECTION 22. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1863.

## CHAPTER 63.

[*Published March* 25, 1863.]

AN ACT to amend "an act to incorporate the city of Beaver Dam," approved March 18, 1856.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Repeal.

SECTION 1. So much of sections eighteen and nineteen of chapter seven of the act "to incorporate the city of Beaver Dam," approved March 18th, 1856, as relates to returned lands for taxes, is hereby repealed: and so much of section seventeen of chapter seven, as states "which shall be in full for services performed by said treasurer, under this act," is hereby repealed.

Sale of lands for delinquent taxes.

SECTION 2. In all cases of non-payment of taxes upon lots or real estate in said city, in the manner now required by law, it shall be the duty of the treasurer of said city to proceed in accordance with the provisions of existing laws relating to the sale of lands for delinquent taxes in the several counties of this state, to advertise and sell, on the 2nd Tuesday in April, in each year, all delinquent lots and lands within the limits of said city, in the same manner as other lands are sold in said county of Dodge; and the said sale shall in all cases be made for the smallest undivided portion of said lot or tract of land for which any person will take the same and pay the taxes and charges thereon. On receiving the amount of such taxes and charges, the treasurer shall issue to the purchaser, his or her assigns or heirs, a certificate containing the name of the purchaser and a description of the premises sold, the amount paid therefor, the rate of interest

Certificates of sale.

the same may bear, and the time when the right to redeem the same will expire. Said treasurer shall, immediately after the close of any such sale of lots or lands for taxes, deposit in the office of the clerk of said city, all affidavits, notices and papers in relation to such tax sale, to be filed in the office of said clerk; also, a statement containing a particular description of each lot or parcel of land so sold by him, specifying the name of the person to whom sold, the amount for which the same was sold, and the name of the owner or owners, if known; and the said treasurer and clerk shall record such statement in a book kept for that purpose, by each of them, in their respective offices; and all sales so made, and the certificates so issued by the treasurer of said city, shall have the same validity and effect as if made by the county treasurer of said county.

Duty of treasurer.

SECTION 3. If, at any sale of real or personal estate for taxes or assessment, no bid shall be made for any parcel of land or lot, or any goods and chattels, the same shall be struck off to said city; and thereupon the city shall receive in its corporate name a certificate of the sale thereof, and shall be vested with the same rights as other purchasers are. If the city shall become the purchaser of any personal property by virtue of this chapter, the treasurer shall have power to sell the same at public sale; and in case the city shall become the purchaser of any real estate at any tax sale, the treasurer is hereby authorized to sell the certificates issued therefor, for the amount and interest, and to endorse and transfer such certificate to the purchaser.

Delinquent real and personal estate may be struck off and sold to the city.

SECTION 4. In case any purchaser at such tax sale shall neglect or refuse to pay the amount for which any lot or parcel of land was sold, at such time as the treasurer shall designate, he shall, on the day following, offer said lot or parcel of land again for sale; and any person bidding off at such sale any lot or part of lot or parcel of land, neglecting or refusing to pay for the same within the time designated, shall forfeit and pay to the city the sum of five dollars for each lot or part of lot so purchased and not paid for, which may be sued for and collected in the same manner as other penalties under the act to which this act is amendatory.

If purchaser neglect to pay, land may be resold.

Penalty.

SECTION 5. Any lot or part of lot or parcel of land so sold, or any portion thereof, may be redeemed within

Redemption.

three years from the day of sale, and at any time before the deed is executed, by the owner or any person interested therein paying to the city treasurer the amount for which the same was sold, together with the interest, at the rate of twenty-five per cent. per annum, and legal charge [charges] thereon; and said treasurer shall deliver to the person making the same, duplicate receipts for such payment, signed by him, specifying therein the parcel or parcels of land on which such taxes were paid, the amount paid on each parcel, the time of payment, and the name of the person paying the same; and the treasurer shall also enter on the list kept by him, opposite the parcel or parcels of land on which such taxes shall be paid, the name of the person paying such tax, the sum paid therefor, and the time when paid. The person to whom such duplicate receipts are given, shall present them to the city clerk, and thereupon said clerk shall countersign one of said receipts and return it to the person entitled thereto, and retain the other, and safely keep the same in his office. The said clerk shall also make the same entries on the list of lands kept by him, as are required to be made by the treasurer. No receipt signed by the treasurer for the payment of taxes, as specified in this section, shall be any evidence of the payment of such taxes in the hands of any person except the city clerk, unless the same shall first be countersigned by such clerk.

When deed may issue.

SECTION 6. [If] any lot or parcel of land sold in pursuance of the provisions of this act, or any part thereof, (*which*) shall not be redeemed within the time limited by this act, the city clerk shall, after the expiration of the time hereby prescribed for the redemption thereof, and on the presentation to him of the treasurer's certificate of sale, execute, in the name of the city, as such clerk, under his hand and the seal of the city, to the purchaser, his heirs or assigns, a deed of the lands so sold and unredeemed as aforesaid, and shall acknowledge the same. An abstract of all deeds so made and delivered, shall be entered by the clerk in the book where tax sales are recorded. A fee of one dollar may be charged by the clerk for every deed so issued, which deed shall vest in the grantee an absolute estate in fee simple in such land, subject, however, to all unpaid taxes and charges which are a lien thereon; and such deed, duly witnessed and acknowledged, shall be *prima facie*

Abstract of deeds.

Fees, &c.

evidence in all controversies and actions in relation to the right of the purchaser, his or her heirs or assigns, to the premises thereby conveyed.

What person claiming adverse title must prove in controversy involving title to land deeded.

SECTION 7. In all controversies or suits involving the title to land claimed and held under and by virtue of such deed, the person or persons claiming title adverse to the title conveyed by such deed, shall be required to prove, in order to defeat the said title, either that the land was not subject to taxation or assessment at the date of the assessment of said tax or making said assessment; that the taxes or assessments had been paid; that the land had never been assessed for taxation or assessment, or that the same had been redeemed according to the provisions of this act, and that such redemption was made for the use and benefit of the persons having the right of redemption under the laws of this state; but no person shall be permitted to question the title acquired by the said deed, without first showing that he, she or they, or the person under whom he, she or they claim title, had title to the land at the time of the sale, and that all the taxes and assessments due upon the lands have been paid by such person or persons under whom he, she or they claim title as aforesaid.

Treasurer's fees.

SECTION 8. The treasurer of said city shall receive for such services, the same fees and compensation as is now allowed and paid to the county treasurer for the same and similar services. And it is hereby declared to be the meaning and intent of this act, to confer all the powers and duties of the treasurer of the county of Dodge, so far as relates to selling lots and lands for taxes within the city of Beaver Dam, upon the treasurer of said city.

Repeal.

SECTION 9. Chapter two hundred and eighty-three of the private and local [general] laws of 1862, is hereby repealed.

Approved March 18, 1863.

## CHAPTER 64.

[*Published March* 20, 1863.]

AN ACT to amend chapter forty of the general laws of 1861, entitled "an act to require owners of certain machines to guard against accidents."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Part of tumbling rod, joints, &c., to be boxed.

SECTION 1. Section one of chapter 40 of the general laws of 1861, is hereby amended, so as to read as follows: "All persons hereafter owning or running any threshing machine in this state, shall cause the two lengths of tumbling rods next the threshing machine, together with the knuckles or joints, and jacks of the tumbling rods, to be safely boxed or secured while running."

Liability of owners for damages.

SECTION 2. Section two of said act is hereby amended, so as to read as follows: "Any person or persons owning or running any threshing machine in this state, without complying with the requirements of section one of this act, shall be held liable to the person damaged, for any damage which may be sustained by such person by reason of such neglect; and no action shall be maintained, nor shall any legal liability exist, for services rendered by or with any threshing machine, when it shall be made to appear that the first section of this act has not been complied with."

When action for services shall not be maintained.

SECTION 3. This act shall take effect and be in force from and after the first day of August next.

Approved March 18, 1863.

## CHAPTER 65.

[*Published March* 20, 1863.]

AN ACT to vacate certain blocks in the village plat of Hortonville, in the county of Outagamie.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Blocks vacated.

SECTION 1. The following blocks in the village plat of Hortonville, in the county of Outagamie, which said

plat was duly recorded in the register of deed's office for the said county of Outagamie, on the twenty-first day of June, A. D. 1854, are hereby vacated, viz.: Blocks number [numbers] five, six, seven, ten, sixteen and nineteen: *provided, however*, that any person owning a lot or lots in any of the aforesaid blocks, for the purpose of sale or paying of taxes thereon, may describe such lots as heretofore, to wit: as lot —, of block —, in village plat of Hortonville.

Future appraisals.

SECTION 2. The lands upon which said blocks have been laid out, shall hereafter be appraised and assessed irrespective of subdivisions into blocks and parts of blocks, streets and alley-ways; and the assessor of said town in which said blocks are situated, is hereby authorized and required, on or before the first day of June next, to amend the assessment roll of said town, in accordance with the requirements of this act.

SECTION 3. This act is hereby declared a public act, and shall take effect from and after its passage.

Approved March 18, 1863.

## CHAPTER 66.

[*Published March* 20, 1863.]

AN ACT to legalize the official acts of John Nelson, a justice of the peace of the town of Adrian, in the county of Monroe.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Acts legalized.

SECTION 1. All the official acts and duties performed by John Nelson, as justice of the peace of the town of Adrian, in the county of Monroe, in this state, so far as the same are consistent with the general laws of the state, are hereby legalized and declared to be as valid, for all purposes, as though the said John Nelson had caused his official bond and oath to be made and filed within the time required by and in conformity with the statutes of this state.

When bond and oath may be filed.

SECTION 2. The said John Nelson is hereby authorized to execute and file his official bond and oath of office, as such justice of the peace, at any time on or be-

fore the first day of May next, with the clerk of the circuit court of Monroe county, and the same shall be as valid and effectual, to all intents and purposes, as though they had been executed and filed as required by law.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1863.

## CHAPTER 67.

[*Published March 20, 1863.*]

AN ACT to amend chapter one hundred and seventeen of the revised statutes, entitled "of county courts."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Jurisdiction of county court of Douglass county abolished.

SECTION 1. All of chapter one hundred and seventeen of the revised statutes, entitled "of county courts," relating to the county court of Douglass county, is hereby amended, by striking out the word "Douglass" in said chapter, wherever it occurs.

Papers, &c., relating to suits, to be filed with clerk of circuit court.

SECTION 2. It shall be the duty of the county judge and of the clerk of the county court of said county, to immediately file in the office of the clerk of the circuit court of said county of Douglass, and with such clerk, all papers relating to suits closed up or now pending in said county court, and to deliver to and leave with said clerk all books, dockets, records and files relating to judgments and lawsuits pending or closed up in said county court.

Suits pending in county court, to be disposed of in circuit court.

SECTION 3. All law suits now pending in said county court, shall be tried or disposed of in the circuit court, in the same manner that they would have been if commenced in said circuit court; and execution on any judgment heretofore entered in said county court, shall issue from the clerk of the circuit court of said county, and be attested in the same manner as are circuit court executions.

Approved March 18, 1863.

# CHAPTER 68.

[*Published March* 20, 1868.]

AN ACT relative to the trial of offenses committed against joint stock companies.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. That in all proceedings of a criminal nature hereafter to be had or taken by way of complaint, indictment or otherwise, to arrest, examine, convict and punish any offender against the rights or property of any joint stock company or association, whether such rights or property are held by such company or association as owner, bailee or otherwise, it shall and may be lawful and sufficient to state the rights or property of such joint stock company or association, to be the rights or property of any officer for the time being of such joint stock company or association; and any forgery, fraud, crime or other offense committed against or with intent to injure or defraud any such joint stock company or association, shall and lawfully may, in any such complaint or indictment, be laid or stated to have been committed against or with the intent to injure or defraud any officer for the time being of such joint stock company or association, and any offender may thereupon be lawfully convicted for any such offense; and in all allegations, indictments or other proceedings of any kind whatsoever, in which it otherwise might or would have been necessary to state the names of the persons composing such joint stock company or association, it shall and may be lawful and sufficient to state the name of any officers for the time being of such joint stock company or association.

Rights or property of company, may be stated as rights or property of any officer thereof.

Names of officers may be stated, instead of names of persons composing company.

SECTION 2. If any person, being a stockholder or member of any joint stock company or association, shall steal or embezzle any goods, money, effects, bills, notes, securities or other property of or belonging to such joint stock company or association, or shall commit any fraud, forgery, crime or offense against or with intent to injure or defraud any such joint stock company or association, such stockholder or member of such joint stock company or association shall be liable to indictment or prosecution, and may thereupon be lawfully

Penalty for embezzlement, &c.

convicted, as if such person had not been or was not a stockholder or member of such joint stock company or association.

SECTION 3. This act shall take effect immediately.

Approved March 18, 1863.

## CHAPTER 69.

[*Published March* 25, 1863.]

AN ACT to authorize St. Croix county to aid in the erection and construction of a bridge across Willow river.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Tax of $2,000 authorized.

SECTION 1. The board of supervisors of the county of St. Croix, are hereby authorized and empowered to appropriate a sum not exceeding the sum of two thousand dollars, to aid in the erection and construction of a bridge across Willow river, at or near its mouth, at such point as such board of supervisors shall designate; and the sum so appropriated shall be levied and collected in the same manner as other county taxes, and as a part of the county tax of said county; and it shall not be necessary to collect the same as a separate tax, carried out in a separate column, but may be collected as a part of the county tax as aforesaid.

How levied, &c.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1863.

## CHAPTER 70.

[*Published March* 25, 1863.]

AN ACT for the relief of school district number three, in the town of Millville, Grant county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

School money to be apportioned to district.

SECTION 1. The town clerk of Millville, in Grant county, is hereby authorized and directed, in making

his annual apportionment of school moneys to the several school districts of the town of Millville, for the year 1863, to apportion to school district number three, of said town, the share of money said district would have been entitled to, had it maintained a school, as required by law, for three months during the year ending August 31st, 1862.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1863.

## CHAPTER 71.

[*Published March* 23, 1863.]

AN ACT relating to property seized on attachment.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. In all actions commenced by warrant of attachment, and determined in justices' court, and in which an appeal has been taken from the judgment rendered in justices' court, to the circuit court, when property shall have been seized on the warrant of attachment which is likely to perish or depreciate in value before the probable end of the action, or the keeping of which would be attended with much loss or expense, the circuit court in which any such action shall be pending, or the judge thereof, or the county judge of any county in which any such action may be pending, in vacation, may order the property seized on the warrant of attachment, to be sold by the sheriff or other officer having the custody of the same, in the same manner and on like notice as goods are required to be sold on execution; and the proceeds of such sale shall remain in the hands of the officer, subject to be disposed of as the property would have been if seized upon in specie.

Appeals in actions where property of a perishable nature has been attached.

SECTION 2. The provisions of this act shall apply to all actions heretofore commenced by warrant of attachment, and determined in justices' court, and in which an appeal has been taken from the judgment of the justices' to the circuit court, as well as to those commenced after the passage of this act.

Application.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1863.

## CHAPTER 72.

[*Published March* 25, 1863.]

AN ACT to vacate Brown and Spencer's addition to Hudson, and Beal's addition to Hudson, in the county of St. Croix.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Additions vacated.

SECTION 1. All those additions to Hudson, in the county of St. Croix, known, described and recorded as Brown and Spencer's addition to Hudson, and Beal's addition to Hudson, are hereby vacated.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1863.

## CHAPTER 73.

[*Published March* 25, 1863.]

AN ACT to amend chapter three hundred and forty of the general laws of 1860, entitled "an act concerning warehouse receipts and bills of lading."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Receipts, &c., may be transferred with or without indorsement.

SECTION 1. Section six of chapter three hundred and forty of the general laws of 1860, is hereby amended, so as to read as follows: "Section 6. Warehouse receipts, bills of lading, or railroad receipts, given for any goods, wares, merchandise, lumber, timber, grain, flour or other produce or commodity, stored, shipped or deposited with any warehouse-man, wharfinger, vessel, boat or railroad company, or other person, may be

transferred, by delivery, with or without endorsement thereof; and any person to whom the same may be so transferred, shall be deemed and taken to be the owner of the goods, wares and merchandise therein specified, so far as to give validity to any pledge, lien or transfer made or created by such person or persons; but no such property shall be delivered, except on surrender and cancellation of said original receipt or bill of lading, or the endorsement of such delivery thereon, in case of partial delivery. All warehouse receipts, bills of lading, or railroad receipts, however, which shall have the words 'not negotiable,' plainly written or stamped on the face thereof, shall be exempt from the provisions of this act." Exceptions.

SECTION 2. This act shall take effect and be in force immediately after its passage.

Approved March 19, 1863.

## CHAPTER 74.

[*Published March* 28, 1863.]

AN ACT to amend chapter 83 of acts of a general nature of 1861, entitled "an act to regulate the traffic in logs, timber and lumber on the Wisconsin, Black, Chippewa and St. Croix rivers."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three of chapter eighty-three of the acts of a general nature of 1861, is hereby amended, so as to read as follows: "The surveyor general of district number one, shall keep his office at Centralia or Grand Rapids, in the county of Wood; of district number two, at the city of La Crosse, or at North La Crosse, in the county of La Crosse; of district number three, at Chippewa Falls, in the county of Chippewa, or at Eau Claire, in the county of Eau Claire; of district number four, at the city of Hudson, in the county of St. Croix." Where offices of surveyors-general shall be kept.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1863.

## CHAPTER 75.

[*Published March* 25, 1863.]

**AN ACT to amend section two of chapter 398 of the general laws of 1862, entitled "an act to authorize the county supervisors to construct drains in certain cases."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Petition for drain, &c.

SECTION 1. Amend section 2 of chapter 398 of the general laws of 1862, so it shall read as follows: "That, before the county board of supervisors of any county shall take any steps toward locating or establishing any ditch, drain or water-course, there shall be filed with the clerk of the board of supervisors a petition from one or more persons owning lands adjacent to the line of such proposed ditch, drain or water-course, setting forth the necessity of the same, with a description of its proposed starting point, route and terminus, together with the names of all persons liable to be benefited or damaged thereby, so far as known to the petitioner; and shall at the same time file a bond with good and sufficient sureties, to the acceptance of the clerk of the board of supervisors, conditioned to pay all expenses incurred, in case the county board of supervisors shall refuse to grant the prayer of the petition; and it shall be the duty of the clerk of the board of supervisors immediately thereafter, to place a correct copy of said petition in the hands of the county surveyor, or a competent engineer, who shall thereupon, taking with him the necessary assistance, proceed to make an accurate survey of the route of the proposed ditch, drain or water-course; and on the completion thereof, shall return a plat or plats and profile of the same to the said clerk of the board of supervisors, and shall also set forth in his return, a description of the proposed route, its availability and necessity, with a description of each separate tract of land through which the same is proposed to be located, how it will be affected thereby, and its situation and level as compared with that part of the adjoining lands, together with such other facts as may be deemed material. It shall be the duty of the clerk of the board of county supervisors, immediately on said report being

Bond for expenses.

Survey.

Profile, description of route, &c.

Notice to owners of lands, &c.

filed, to cause notice, by publication for at least three consecutive weeks in some paper published or of general circulation in said county, to the owner or one of the owners of each tract of land along the route of such proposed ditch, drain or water-course, of the pendency and prayer of said petitioner, [petition,] and of the time of the session of the county board of supervisors at which the same will be heard; and an affidavit of said publication [shall be] filed with the clerk of the board of supervisors. Should any party or parties in interest die during the pendency of said proceedings, such death shall not work an abatement of such proceedings, but the supervisors, on being notified thereof, shall make such order as they may deem proper for giving notice to the party or parties; and notice of the pendency and prayer of said petition and the time of hearing the same, shall be given to such persons by publication for at least three consecutive weeks in some paper published or of general circulation in said county."

In case of death of party in interest.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1863.

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## CHAPTER 76.

[*Published March* 23, 1863.]

AN ACT to amend section 41, chapter 86, of the revised statutes, entitled "of alienation by deed of the proof and recording of conveyances, and the canceling of mortgages."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section forty-one of chapter eighty-six of the revised statutes, is hereby amended, by adding thereto the following words, to wit: "And all discharges shall be entered in the general index, and subject to all the provisions of other entries in such general index," so that the section, as amended, will read: "Any mortgage that has been or may hereafter be re-

How mortgages may be discharged.

corded, may be discharged by an entry in the margin of the record thereof, signed by the mortgagee, or his personal representatives or assignee, acknowledging the satisfaction of the mortgage, in the presence of the register of deeds or his deputy, who shall subscribe the same as a witness; and such entry shall have the same effect as a deed of release duly acknowledged and recorded; and all discharges shall be entered in the general index, and be subject to all the provisions of other entries in such general index."

Approved March 19, 1863.

## CHAPTER 77.

[*Published March* 27, 1863.]

AN ACT concerning the terms of circuit court in the fourth judicial circuit.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Terms.

Sheboygan.

Calumet.

Manitowoc.

Kewaunee.

Fond du Lac.

SECTION 1. The circuit courts for the fourth judicial circuit, shall be holden as follows: In the county of Sheboygan, on the first Monday in June, and the fourth Monday in November, in each year; in the county of Calumet, on the third Monday in June, and the second Monday in December, of each year; in the county of Manitowoc, on the fourth Monday in June, and the third Monday in December, in each year; in the county of Kewaunee, on the fourth Monday in January, and the fourth Monday in July, of each year; in the county of Fond du Lac, on the first Monday in February, the second Monday in May, and the second Monday in October, of each year.

When jury may be summoned for Fond du Lac May term.

SECTION 2. There shall be no grand jury summoned or empanneled for the May term of the circuit court for said county of Fond du Lac, unless ordered by the judge of said fourth judicial circuit. When so ordered, a grand jury shall be summoned and empanneled, as provided by law in other cases.

SECTION 3. There shall be no grand or petit jury summoned or empanneled for the July term of the circuit court for the said county of Kewaunee, unless ordered by the judge of the said fourth judicial circuit, and notice given by said judge to the clerk of the circuit court of said county of Kewaunee, at least twenty days before the commencement of said July term of court. When so ordered, a grand and petit jury shall be summoned and empanneled, as provided by law in other cases.

When jury may be summoned for Kewaunee July term.

SECTION 4. There shall be holden by the circuit judge of the said fourth judicial circuit, at least two special terms within said circuit, in each year, for the trial of issues of law, for the hearing of motions and the transaction of any and all business that may be done at a stated term, except the trial of issues of fact by a jury, at such times and places as the judge of said circuit court shall designate, which designation shall be made immediately, and shall not be changed within one year. And at such terms, the issues of law, and motions, and all other business that may be transacted thereat, pending in any and every county in said circuit, may be heard and disposed of, with the same force and effect as it may now be heard and disposed of in the county in which the causes or matters are pending; and when the causes or matters are pending in other counties in the circuit different from the county in which the special term is holden, the clerk of the circuit court shall certify the orders and papers to the clerk of the circuit court of the county where the same is pending, and the papers shall be filed and entered by the clerk of the court where the cause or matter is pending, in the same manner as if the cause or matter had been heard or decided by the circuit court at a term thereof holden in the county where it is pending.

Special terms.

Business that may be disposed of.

SECTION 5. For the purpose of the hearing or trial of any cause or matter in any other county than that where the same is pending, the clerk of the circuit court shall, at the request of either of the attorneys in said cause or matter, transmit all the papers on file in said cause or matter to the place of trial or hearing, under his official certificate, certifying the same to be all the original files and papers in such action, cause or matter. Such papers or files shall be by such clerk enclosed in an envelop, sealed by him, directed to the

Transmission of papers, &c.

clerk of the circuit court of the county where such term is to be or is being held, and the same may be transmitted by mail, or by the hand of either of the attorneys in such cause, action or matter: *provided*, that before any clerk shall be obliged to transmit any such papers, or files, or orders, all necessary postage therefor shall be paid by the party applying therefor; *and provided, further*, that no clerk shall be required to certify back any papers, files or orders to any such county where the same were originally pending, unless his fees in such cause or matter are paid.

Postage and clerk's fees to be paid.

Return of pro ceed, &c.

SECTION 6. All writs, services, process, proceedings and recognizances heretofore issued, commenced, made or entered into, in or from said courts of said counties, respectively, or either of them, and all proceedings pending therein or returnable thereto, whether by recognizance or otherwise, shall be held and taken as returnable at the times mentioned in this act for holding the said courts, respectively, in the said several counties, respectively.

Repeal.

SECTION 7. All acts or parts of acts conflicting with or contravening the provisions of this act, are hereby repealed, so far as they contravene or conflict with the provisions of this act.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1863.

## CHAPTER 78.

[*Published March* 26, 1863.]

AN ACT to legalize the official acts of Howard Hunt, a justice of the peace of the town of Jefferson, Green county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Acts legalized.

SECTION 1. All the official acts of Howard Hunt, as justice of the peace of the town of Jefferson, Green county, so far as the same are consistent with the laws of this state, are hereby legalized, and made as valid, for all purposes, as though the said Howard Hunt had

caused his official bond and oath to be filed within the time required by law; and said Howard Hunt, upon filing his official bond and oath, may continue to act as a justice of the peace, as though the said bond and oath had been filed within the time limited by law.

Approved March 19, 1863.

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## CHAPTER 79.

[*Published March* 25, 1863.]

AN ACT to authorize the city of Beaver Dam to levy and collect a special tax, to redeem soldiers' bounty certificates.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The common council of the city of Beaver Dam is hereby authorized to levy and collect a special tax, in addition to the amount authorized by the act incorporating said city, not exceeding six thousand dollars in amount; said tax to be levied and collected in the manner and at the time other taxes are levied and collected in said city.

Special tax of $6,000 authorized.

SECTION 2. The proceeds of the tax authorized by the preceding section, shall be used to redeem the scrip issued by the mayor of said city, under the seal of said city, in August and September, 1862, in pursuance of a resolution of the common council, authorizing the issuing of the said scrip, for the purpose of raising money to enable said city to offer and pay a bounty to volunteers in the (then) new levy of United States troops, to enable said city to fill her quota of troops, without resorting to a draft; and the said tax shall not be levied or the proceeds thereof used for any other purpose.

How tax to be applied.

SECTION 3. This act shall take effect and be in force from and after its publication.

Approved March 19, 1863.

## CHAPTER 80.

[*Published March* 25, 1863.]

AN ACT to amend the articles of association of the Milwaukee and Prairie du Chien railway company.

(*See supplement to local laws.*)

## CHAPTER 81.

[*Published March* 21, 1863.]

AN ACT to provide for the sale of lands for unpaid taxes, in certain cases.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

When lands may be sold, in case the officer shall have been enjoined.

SECTION 1. In all cases where any officer has been, or hereafter may be, enjoined from selling any land or lands, subject, under any law of this state, to sale for unpaid taxes, and where such injunction shall be dissolved by order of the court, if such taxes, with interest and charges upon such land or lands, shall remain unpaid for thirty days after the dissolving of such injunction as aforesaid, such lands shall be subject to sale for such taxes, interest and charges; and it shall be the duty of such officer, or his successor, immediately after the expiration of said thirty days, to give notice of the time and place of the sale of such land or lands, and thereupon to sell the same for such unpaid taxes, interest and charges.

Lands shall be sold May 4th, 1863.

SECTION 2. In case any injunction, mentioned in the preceding section, shall have been dissolved before this act takes effect, it shall be the duty of the officer enjoined, or his successor, on the first Monday of May next, to proceed to sell the lands which he was by such injunction restrained from selling, for the unpaid taxes, interest and charges thereon, first giving notice of the time and place of such sale: *provided*, that if the unpaid taxes, interest and charges upon any such land shall be paid on or before the first day of April next, the same shall not be subject to sale under this act.

Proviso.

SECTION 3. In giving the notices and making the sales in this act provided for, such officers shall be governed in all respects by provisions of law which may then be in force, concerning sales of lands for unpaid taxes, by such officer, so far as the same may be applicable. Directory.

SECTION 4. The effect of sales made under this act, shall be the same as of other sales of lands for unpaid taxes, made by such officer; and all lands sold under this act may be redeemed from such sale within the same time, and in like manner, as other lands sold by such officer for unpaid taxes may be redeemable; and deeds of such lands shall be given at such time and in the same manner, and with like effect, as may be provided in other cases of lands sold for unpaid taxes by such officer. Effect of sales under this act.

SECTION 5. Interest shall be charged upon the unpaid taxes on lands in the cases in this act provided for, to the time of sale or payment of such taxes, at the rate provided by law for interest on such taxes, at the time of granting such injunction. Interest.

Approved March 19, 1863.

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## CHAPTER 82.

[*Published March* 25, 1863.]

AN ACT creating a special term of the circuit court in the county of Washington.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There shall be held be the judge of the circuit court of the third judicial circuit, on the first Monday in July, in each and every year after the passage of this act, a special term of the circuit court in and for the county of Washington, at the court house, in the village of West Bend, for the hearing, trial and determination of actions not requiring the intervention of a jury, for the trial and determination of issues of law, for the hearing and determination of motions, and for transacting any and all other business, both civil and To be held on first Monday of July.

criminal, that may be done and transacted at a regular term of said court, except the trial of issues of fact by a jury.

No other notice required.

SECTION 2. No notice of the holding of the special term or terms of court provided for in the first section of this act, shall be required other than the passage and publication of this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1863.

## CHAPTER 83.

[*Published March* 25, 1863.]

AN ACT to authorize the towns, cities and villages in the county of Dodge, to raise money for the payment of bounties to volunteers.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Authority to towns, cities and villages to refund bounties paid to volunteers.

SECTION 1. The qualified electors of each town, city or incorporated village in the county of Dodge, shall have power, at any annual town meeting thereof, to vote to raise such sum or sums of money as they may deem necessary, for the payment of bounties to volunteers, residents of such town, city or incorporated village, mustered into the military service of the United States or of this state, and to refund to any person or persons who may have paid bounties to volunteers, such sum or sums of money [as] the town board of supervisors shall ascertain has been so paid: *provided*, that no greater sum of money shall be voted or raised than has been paid to said volunteers.

Proviso.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1863.

## CHAPTER 84.

[*Published March* 26, 1863.]

AN ACT to extend the time for the expiration of the charter of the Wisconsin Central railroad company, as limited by the act of incorporation, approved March 4, 1853.

(*See supplement to local laws.*)

## CHAPTER 85.

[*Published March* 27, 1863.]

AN ACT to provide for the disposal and expenditure of the drainage fund money in Brown county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

When money to be paid to county treasurer.

SECTION 1. That portion of the interest of the drainage fund moneys which is due to the county of Brown, for the year 1863, shall be paid over to the county treasurer of said county, at the same time with the money due to said county from the school fund for that year, and shall be paid out by said county treasurer only on the order of the commissioners hereinafter mentioned, for said county, and as hereinafter directed.

To be expended on roads.

SECTION 2. The moneys mentioned in the preceding section, shall be expended on such roads as are now or may hereafter be laid out in said county, as the commissioners hereinafter named shall deem advisable; and all of the money received by said county in pursuance of this act, shall be so expended during the year 1863, for the purposes aforesaid.

Commissioners—their salary.

SECTION 3. Casper Hanson, Christian Koontz, James Hobbins, Isaac Knapp, Michael Dockry and Cornelius Dougherty, are hereby appointed commissioners for Brown county aforesaid, and shall have the superintendence of all the work done under the provisions of this act, on said roads, and be paid and receive compensation for their actual reasonable expenses in performing the duties imposed upon them by this act.

Their powers.

SECTION 4. The said commissioners shall have entire control and superintendence of the expenditure of the moneys aforesaid, paid to the county aforesaid, and shall draw orders on the county treasurer aforesaid, therefor, payable from the drainage fund. They may employ such overseers, laborers or engineers, or let such contracts, as they may deem necessary, keep a record of their doings, vouchers for all moneys drawn out by them, and shall make a full report of their doings and expenditures to the county board of supervisors, at the annual session thereof, for 1863.

Repeal.

SECTION 5. All acts or parts of acts so far as the same contravene this act, are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved March 20, 1863.

## CHAPTER 86.

[*Published April* 6, 1863.]

AN ACT to amend an act entitled "an act to incorporate the city of Sheboygan," approved March 19th, 1853, and the several acts amendatory thereof.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

New assessment rolls for 1857 and 1858 to be made out.

SECTION 1. The assessor of the city of Sheboygan is hereby required and directed to make out a full assessment roll for the year 1857, also, for the year 1858, which said rolls shall contain a true and perfect list of the real estate of said city, which was liable to taxation for the year for which such rolls are respectively made out, and also the names of the persons and corporations liable to taxation for personal property, with the amounts of personal property on which they are so liable to taxation, charged against them, respectively; the true intent and meaning hereof being, that the said assessors shall make out an assessment roll for each of said years, in the same manner and with the same valuations as it was by law the duty of the assessors for said years, respectively, to make such rolls out.

Such property, and none other, as was by any valid law exempted from taxation for the year for which said roll is made out, shall be exempt from valuation in such roll.

Old rolls may be used, with necessary alterations.

SECTION 2. For the purpose of diminishing the expenses and facilitating the performance of the duties imposed upon the said assessors by this law, they are hereby authorized to make use of the several assessment rolls made out by the assessors of the said years, respectively; and instead of making new rolls, to take said rolls for said years made by said former assessors, and correct the same by interlineations as to description or value, or by such other mode of adding to or changing such rolls as shall be deemed by said assessor for the year 1863, most convenient. Each piece of property liable to taxation shall be assessed at its value, as it was in the year for which the assessment roll is made out; and the assessments of personal property shall be for the same amount, and against the same persons and corporations which should have been stated or named on the assessment rolls for the year for which said new assessment is made out.

How property o be assessed.

Assessor's certificate.

SECTION 3. The assessor as aforesaid shall annex to the assessment rolls for the said years, respectively, a certificate in the following form, viz.: "I, assessor for the city of Sheboygan, do certify, that the foregoing is a correct assessment roll for the year ——;" and shall sign the same, filling the blank after the word "year," with the year for which said roll is made out. Such roll, certified as aforesaid, shall be conclusive evidence that such assessment roll is legal and just, in all suits in which the legality of the same may be a question.

Levy of tax, and 7 per cent. in addition thereto.

SECTION 4. The common council shall, as soon after the completion of said assessment rolls as convenient, levy a tax for each of said years upon the property liable to taxation for such year, which shall be the same per centage upon the valuation as was heretofore levied by the common council on the real estate of said city for such year; and shall also, by resolution or otherwise, direct that seven per centum per annum upon the amount of tax levied, as hereby directed, for each of said years, calculating from the 25th day of December of each year, until the first day of July, 1863, to the treasurer, be collected in addition to such per centage; the true intent hereof being, that the amount

levied on each dollar of valuation shall be the same as was levied for the same year by said common council on the real estate of said city for those years, except as to the additional amount equal to interest at seven per centum upon the tax roll of each of said years, from the 25th day of December thereof, to the first day of July, 1863, under the act to which this is amendatory.

Tax-lists.

SECTION 5. The clerk of said city shall, as soon as convenient after said common council shall have so levied a tax as aforesaid, make out tax-lists showing the amount of tax charged against such piece of real estate and each person or corporation for personal property, substantially in the form heretofore used. To avoid expense, he may make use of the tax-lists heretofore made out for said years, respectively, making such interlineations, corrections and additions as shall be necessary to make the list a correct list, according to the assessment and levy of tax for such year, as above directed: *provided, however*, he shall not erase the amount charged against any lots for such year, nor the marks by which payments of such amounts may be shown, nor shall he make any change in the entries where there has been no change of valuation on the assessment rolls, as made under this act, from said assessment rolls heretofore made for the same year. If the tax be increased upon any piece of property or personal assessment, the amount of such increase shall be shown; if diminished, the amount to which it is diminished shall be shown. No particular form shall be necessary in making out such tax-list. It shall be sufficient, if by the body of the list, by interlineations, by additions, by note, by memorandum, by explanations, or in any other way, it can be ascertained how much is charged against each piece of property described in such list and against each person or corporation for personal tax.

Old list may be used, with proper corrections.

Warrant.

SECTION 6. When said tax-list is finished as aforesaid, the clerk shall attach thereto a warrant in the following form: "The treasurer of the city of Sheboygan is hereby required to collect the taxes mentioned in the foregoing list, and to enforce the payment of the same in the manner required by the charter of said city, as amended by this and subsequent acts;" and shall sign such certificate and affix thereto the seal of the city. Said clerk shall thereupon deliver such tax-list to the

Collection of taxes.

treasurer of such city, who shall proceed to collect the taxes mentioned in the same, as nearly as is convenient, in the manner prescribed in said charter, as amended by subsequent acts. But no notices of the time of collection or sale need be given by him, except one to be published in some newspaper in the city of Sheboygan, as soon as convenient after the reception by such treasurer of such tax-list, substantially in the following form: "The tax-list for the year —— (filling the blank with the year,) is now in my hands for the collection of taxes." Such notice shall be signed by the treasurer, and published for two successive weeks, in some newspaper printed in said city. Said treasurer may in one notice include the lists for said several years, and thereby avoid the necessity of giving a separate notice for each of said years.

Form of treasurer's notice.

SECTION 7. The clerk may, with the consent of the common council, make out entire new tax-lists, instead of using the old ones, or may, in addition to delivering the old tax-lists to the treasurer as aforesaid, make out lists for each of said years of all those lots or pieces of land upon which the taxes were unpaid, and which were not entirely redeemed after the sale, and also of those lots and pieces of land whose taxes shall be increased by the levy under this act; also, of the persons, companies or corporations charged with personal tax under this act, and who have not credits equal to or greater than the amount charged against them. He shall attach to such book his certificate, with the seal of the city, that it is the supplementary tax-list for the year for which it is so made out. The same use may be made by the treasurer of such list as of the principal tax-lists, and they shall have the same effect in evidence. The assessor, clerk and treasurer of said city, whose duties are increased by this law, shall have such compensation therefor as shall be determined by the common council, not to exceed the sum of $250.

Clerk may make out new lists of lots on which taxes were unpaid, &c.

Compensation of officers.

SECTION 8. The assessor may likewise, at his option, and with the consent of the common council, make new assessment rolls for all or any of said years, without using the old assessment roll.

New assessment rolls.

SECTION 9. The common council shall, before the tax-lists are delivered to the treasurer, require a new bond, in such sum as they shall think fit or necessary. If the treasurer shall neglect or refuse, within the time

Treasurer to give new bond.

prescribed by the common council, to give such bond, or shall resign his office, or become incapacitated to perform its duties or to hold it, the common council may appoint some one to be treasurer, subject to the duties and with the rights of the present treasurer.

If taxes not paid by July 1st, lands to be sold.

SECTION 10. If the taxes mentioned in any list, shall not be paid by the first day of July, 1863, the treasurer, as aforesaid, shall, as soon thereafter as convenient, commence selling the lands described in the lists upon which taxes remain unpaid, in the manner prescribed by the said charter, as in force in said years 1857 and 1858, and shall continue such sale from day to day, until the whole of such lands upon which taxes and interest remain unpaid, as aforesaid, are disposed of. If the tax charged against any lot shall be equal to or less than the amount heretofore paid upon the same for the same years, then no sale thereof shall take place. If an amount has heretofore been paid by the owner of such lot, less than the amount charged against such lot on such tax-list under this act, such lot shall be sold for the difference only between the amount paid and the amount so charged. If any tax on personal property shall remain unpaid for the space of forty days after the reception by such treasurer of such tax-list, then the treasurer shall enforce the payment thereof in the manner provided in the charter: *provided*, that if the person or corporation charged with such tax shall have paid an equal or greater amount for the same year, the amount charged against him on such tax-list shall not be enforced, and if he shall have paid a smaller amount, then the difference between such amount and the amount so charged on said list, shall alone be collected of him; the true intent hereof being, that payment heretofore made as aforesaid, by parties, on either real or personal property, for either of said years, shall be considered credits to such property, diminishing the amount to be paid by him on such real or personal property, in pursuance of this act. In making the sales, the treasurer shall commence with the list of the year 1857, and shall proceed with the different lists in the order of the years for which the taxes are levied; and the rights and priorities of the different purchasers, under the different sales and for the different years, shall, as against each other, be the same as if the sales for the taxes of each of said years

When lots not to be sold.

Partial payment under old assessments.

Tax on personal property.

Sales to commence for taxes of 1857.

had been made at the times when, under the charter of the city, they ought to have been made.

SECTION 11. Orders issued by said city, without regard to the time in which said orders were issued, or the date of the indebtedness to pay which such orders were issued, shall be receivable in payment for all taxes levied under this act, except as to special taxes, and also in payment of sums bid upon sales under this act. Certificates of sale, with seven per centum interest added thereto, upon any lot in the hands of any persons or body corporate, other than the city of Sheboygan, shall be received in payment of taxes on such lot, in the same manner as orders. City orders and certificates receivable for taxes.

SECTION 12. The clerk in making out the tax-list, shall not enter thereon said seven per centum, but shall make said lists as if no such seven per centum on the amount charged, or which should have been charged, for taxes for said years, respectively, was to be collected. But he shall add to the list for each of said years, a statement, signed by him as clerk, substantially as follows, to wit: "The foregoing amounts do not include the seven per centum per annum from the 25th day of December, A. D. ——, which should be added to the same, and which the treasurer is directed to collect." The blank subsequent to the abbreviations A. D., shall be filled up with the numerals representing the year for which such list is made out. The treasurer shall, in collecting and also in making sales, add to the amount of taxes charged against any piece of property or person, a sum equal to interest at seven per centum per annum, from the 25th of December, specified by the clerk as aforesaid, to the first day of July, 1863, under this law, and shall also, in giving credit for sums heretofore paid as aforesaid, and also on tax certificates, credit interest at seven per centum aforesaid, for the term aforesaid. Statement of clerk. 7 per cent. to be added by treasurer.

SECTION 13. It shall also be the duty of the said common council, to relevy all valid and legal special taxes for said years, respectively, by a general direction to the clerk to carry out on the tax-list of each of said years, against each lot or piece of land, any special tax or assessment which was, by direction of said common council, charged against said lot or piece of land, on the said illegal tax-list for the year for which such tax- Relevy of special tax for said years.

Clerk to compare, &c.

list is made out, under this act. Said clerk shall, before delivering the tax-lists to the treasurer, as aforesaid, compare the entries on said illegal list for special taxes or assessments, with the resolutions of said common council for said years, respectively, and with such other documents as are on file in the office of said clerk, by which the correction of such entries may be determined; and if he shall find such entries correct and properly charged, he shall retain them on the list made out under this law, to be delivered to the treasurer, and the treasurer shall collect and enforce payment of the same, in the same manner as other taxes; and the seven per centum required to be paid on other taxes under this act, shall be added to such special taxes or assessments.

For whose benefit certain bids have been or may be made.

SECTION 14. If a sale has heretofore taken place for any such special tax or assessment, and the city has bid off the lot or land against which the same is charged, and now holds the certificate of sale, such bid shall be held to have been made for the benefit of the party to whom the money raised by such special tax should rightfully belong; and if the treasurer shall, for want of bidders, again bid in such lot, in the name of the city, such bid shall be held to be for the benefit of the same party, who shall, upon presentation and surrender to the treasurer of the evidence of his right to the same, be entitled to receive such certificate; and in case the sale shall be for taxes due the city for other purposes, as well as for special taxes, such sale shall be deemed to be for the benefit of the city, to the extent of the taxes for such other purposes, and the party entitled to the proceeds of the special tax must pay the amount due the city, as aforesaid, before receiving such certificate; and it is expressly herein provided, that in no case shall the city be made liable for the amount of such special tax or assessment, by reason of holding or taking such certificate in the name of the city.

Ibid.

SECTION 15. If any lot or piece of land has heretofore been bid off by any person aside from the city, for the taxes of either of said years, in pursuance of either of said assessments, any amounts (not exceeding the amount paid by the purchaser, and seven per centum interest thereon,) paid to the treasurer of said city upon the tax levied for the same year, upon such lot or piece of land, in pursuance of this act, or upon the sale of

such lot for the taxes of the same year, under this act, shall be for the benefit of the person who is the lawful holder of the certificate given on the said sale which so took place prior to this act; and upon the surrender of such certificate, shall be paid by the treasurer to such holder: *provided, however*, that the treasurer need pay to said holder only such funds (orders or otherwise) as are received by him in pursuance of this act. If such lot shall be bid off for either of said years, in the name of the city, the holder of said prior certificate for the illegal taxes of the same year shall, upon surrender of the same, be entitled to the assignment of said last certificate, upon payment to the city of any excess due at the time when such assignment is made, upon said last certificate (in principal and interest) beyond the amount paid as aforesaid by the holder of such prior certificate, and seven per centum interest. If the amount due on the last (principal and interest) shall be less than the amount due for principal on the prior certificate, and the seven per centum, the holder shall be entitled to receive the difference in orders of said city. If such assignment shall not be demanded while said last certificate is in the possession of the treasurer, said prior holder shall be entitled, upon surrender of his certificate, to receive of the moneys paid to the treasurer for this assignment or redemption of such last certificate, the principal of the prior certificate, and interest at seven per centum to the time of such payment to the treasurer; and if such payment be of a sum less than said principal and interest as aforesaid, said holder shall receive the difference in orders of the city. If a part only of such piece of land is redeemed, or a part only of the taxes are paid, the holder of the prior certificate may receive such part, endorsing on his certificate the amount so paid.

**Assignment to holders of prior certificates.**

SECTION 16. If any lot or piece of land, or any part thereof or interest therein, has been redeemed from sale in pursuance of either of said assessments, or such sale otherwise canceled on the sales book, credit shall be given in the same manner as if the tax on such lot or piece of land, or any part thereof or interest therein, had been paid prior to the sale, but only to the amount of the tax so illegally levied upon such lot or piece of land, or upon the part or interest redeemed, and the seven per cent. interest. If an entire lot or piece of land has been assessed, and for either of said

**Redemption of lots from prior sales.**

**Credit for partial payment of prior taxes.**

years as aforesaid, taxes on a distinct part of an undivided interest in the same have been paid, credit as aforesaid, under this act, upon the taxes levied under this act, shall be given for the benefit of such distinct part or undivided interest, (as the case may be.) If any person (other than the city) is the holder of a certificate of sale of a distinct part of an undivided interest in any lot or piece of land sold in pursuance of either of said assessments, he shall, as to such distinct part or undivided interest, have the benefit of the provisions of this act applicable to the holder of a certificate of an entire lot or piece of land. All provisions of this act in regard to lots or pieces of land, shall be construed and understood to apply to distinct parts of an undivided interest in lots or pieces of land, so far as such construction or understanding may be necessary, in order practically to carry out the provisions of this act, according to the true intent and meaning thereof.

Surrender of tax deeds.

SECTION 17. If a deed has been given to the holder of any certificate issued in pursuance of either of said assessments, the surrender of such deed, with a release endorsed thereon by the grantee or his lawful assigns, shall be equivalent to the surrender of the certificate. Such deed shall be *prima facie* evidence of the right of the grantee as holder of the certificate, and a conveyance from the grantee shall evidence his assignment of such certificate: *provided*, the grantor or his assignee shall take and subscribe an oath, to be filed in the treasurer's office, that he has not disposed of or parted with his interest under such tax deed.

Provisions of this act merely directory.

SECTION 18. The provisions of this act in regard to the time and mode of levying the various taxes, are merely directory, and no informality or variation from the mode herein prescribed, not affecting the substantial justice of the tax itself, shall invalidate any tax levied by authority of this act. In case there shall be a substantial error or fault which shall render the tax as against any person or lot or piece of land unjust, such person or the owner of such lot or piece of land, or any part thereof or interest therein, may, at any time before the sale, (if the unjust taxes be on real property,) or before the issue of the warrant for collection, if the tax be personal, apply to the common council for correction of the error or fault which makes the tax unjust; and the common council may correct all

Correction of errors.

errors and faults in the asssessment roll and tax-list, which render the taxation unequal or unjust: *provided*, that the common council shall not review or change any assessment of value or amount, either on the real or personal property made by the assessor, but may supply omissions; *and provided, further*, that in case any change in the tax-list shall increase the amount of tax on any real property, or the amount of tax charged against any individual personally, after such tax as shall have been already charged is paid, no sale shall take place of the real estate whose tax is so increased, and no warrant shall issue for the collection of the personal tax, until notice of the change has been first given to the party or parties who so paid such tax. The common council may, in such case, by ordinance or resolution, prescribe the mode of giving such notice, and the time of making such sale or issuing such warrant. The common council may make such corrections as often as any error is brought to their attention, until the sale of real estate, under this act, shall actually have been commenced; but the common council, for the purpose of making such corrections, may direct such sale to be postponed for a period not longer than three weeks.

Neglect to complain, a waiver of objections to tax.

SECTION 19. Every person who shall neglect to make complaint to the common council, as aforesaid, until after such sale is commenced, shall be deemed to have waived all objection to the justice and legality of said tax-lists, except as to special taxes; and the tax-list shall, except as to special taxes, be conclusive evidence of the justice and legality of the taxes mentioned therein, both real or personal; and every complaint or suit to set aside such taxes, or to enjoin the collection thereof, or test their validity, or the validity of any certificate of sale given under this act, shall be dismissed, on motion, unless the complaint contain any [an] averment that application was made to said common council to correct the error or fault complained of, and the correction was refused: *provided, however*, that if any tax (aside from said special taxes) charged against any real estate or for personal property, shall by any error in making the tax-lists (but not for excess of valuation) in the assessment roll, exceed the just and fair amount which ought to be charged, the city shall pay back to the party so paying the tax, the excess. If any real property, or the name of any person who ought to

Omissions to be supplied.

be assessed for said several years, or either of them, is omitted either by accident or design, on either of said assessment rolls, and the omission is not supplied by the common council before such sale under this act, it shall be the duty of the common council, if such omission is discovered by or pointed out to them, to cause the same to be separately entered upon the tax-list for the year 1863, assessing the value or amount of tax as they ought to have been for the year in which the omission took place.

Cancellation redeemed tax certificates.

SECTION 20. It shall be the duty of the city treasurer, before receiving the tax-list and warrant for said years 1857 and 1858, to surrender to the common council, who shall cancel the same, all unredeemed and unsold tax certificates in his hands for those years, belonging to the city, accompanied by a complete list of the same.

Authority to treasurer.

SECTION 21. For the purpose of carrying into effect this act, the said city treasurer of the city of Sheboygan shall have the same authority to sell lots and lands for the non-payment of taxes for the years 1857 and 1858, as was given him by the said city charter at the said dates, respectively, and shall sell all lots and lands in the manner hereinbefore directed, that were in the said years 1857 and 1858 included within the limits of said city, and shall also collect the said taxes to be assessed under this act on personal property, the owner of which at that time resided within the then city limits; but nothing in this act shall be so construed [as] to give the treasurer of said city any authority to sell lots or lands for the non-payment of taxes, other than for the years 1857 and 1858, as aforesaid.

SECTION 22. This act shall be published immediately, and shall be in force from and after its passage and publication.

Approved March 20, 1863.

# CHAPTER 87.

[*Published March* 26, 1863.]

AN ACT to repeal chapter 199 of the general laws of 1859, entitled "an act to amend section 77 of chapter 19 of the revised statutes, entitled 'of highways and bridges,'" and chapter 192 of the general laws of 1862, entitled "an act to amend section 77 of chapter 19 of the revised statutes, entitled 'of highways and bridges, and of ferries,'" and to amend section 77 of chapter 19 of the revised statutes, entitled "of highways and bridges."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter one hundred and ninety-nine of the general laws of 1859, entitled "an act to amend section 77 of chapter 19 of [the] revised statutes, entitled 'of highways and bridges,'" and chapter 192 of the general laws of 1862, entitled "an act to amend section 77 of chapter 19 of the revised statutes, entitled 'of highways and bridges, and of ferries,'" are hereby repealed. Repeal.

SECTION 2. Section 77 of chapter 19 of the revised statutes, entitled "of highways and bridges," is hereby amended, so as to read as follows: "Section 77. Any person who shall consider himself aggrieved by any determination of the supervisors of any town, either in laying out, altering or discontinuing, or in refusing to lay out, alter or discontinue any highway, may, within thirty days after such determination, appeal therefrom, and apply to a justice of the peace of the same or any adjoining town, for the appointment of commissioners, to whom an appeal from such determination of the supervisors may be taken." Appeals.

Approved March 23, 1863.

## CHAPTER 88.

[*Published March 26*, 1863.]

AN ACT to amend section 3 of chapter 94 of the revised statutes, entitled "of the sale of lands for the payment of debts by executors, administrators and guardians."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

In cases where the mortgaged premises include the homestead.

SECTION 1. Section three of chapter ninety-four of the revised statutes, is hereby amended, by adding thereto as follows: "*Provided*, that in case the homestead constitutes a portion of a farm belonging to the deceased, which farm is mortgaged, and in the opinion of the executor or administrator the same cannot be sold in parcels without serious injury to all parties interested, (which opinion shall be set forth in such petition,) the homestead shall not be excepted from license and sale under the provisions of this chapter. In all cases to which this proviso applies, it shall be the duty of the county judge, after the sale made as in this chapter provided, to take proof of and ascertain the value of the homestead and of the balance of the mortgaged premises; and if the executor or administrators shall have sufficient assets, apart from such value of the homestead, to pay all demands against the estate and the expenses of administration, the value of the homestead shall be invested under the direction of said judge, for the benefit of the family of the deceased, or may be used in the purchase of another homestead, in the discretion and under the order of said judge, which investment or homestead shall, in all respects, stand in the place and instead of the original homestead. In case the executor or administrator shall not have sufficient assets to pay all said demands and expenses, the county judge shall ascertain what proportion of the debt secured by said mortgage is fairly chargeable upon the homestead, which proportion shall be paid out of the value of the homestead as aforesaid, and the balance of the value of the homestead invested or used under the direction of said judge as aforesaid."

Duty of court, executor, &c.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1863.

## CHAPTER 89.

[*Published March* 26, 1863.]

AN ACT for the protection of boarding-house keepers, and of livery-stable keepers.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The keeper of a boarding-house shall have the same lien upon and right to detain the baggage and effects of any boarder, for the amount which may be due for board by such boarder, to the same extent and in the same manner as inn-keepers have such lien and such right of detention. Lien of boarding-house keepers.

SECTION 2. This act shall not effect [affect] the law in regard to keepers of emigrant boarding-houses. Emigrant boarding-houses.

SECTION 3. The keeper of a livery or boarding-stable shall have a lien upon the horses, mules or cattle kept by any such keeper, for the amount of the costs and charges of keeping, supporting and care thereof. Lien of livery-stable keepers, &c.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 23, 1863.

## CHAPTER 90.

[*Published March* 26, 1863.]

AN ACT to authorize the city clerk of the city of La Crosse to cause to be published a list of all unredeemed lots and lands sold by the city treasurer of said city, in the year 1860, for the taxes, interest and charges due thereon for the year 1859.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. That the city clerk of the city of La Crosse shall cause to be published in a newspaper printed in said city, a list of all unredeemed lots and lands which were sold by the city treasurer of said city, in the year 1860, for the taxes, interest and charges thereon of the year 1859, once a week for twelve suc- List of unredeemed lands for taxes of 1859, to be published.

cessive weeks, at least two months before the expiration of the time limited for redeeming said lots and lands, sold as aforesaid.

Repeal.

SECTION 2. That so much of the provisions of section 16 of chapter 22 of the general laws of 1859, approved February 19, 1859, as are inconsistent with the provisions of this act, for the purposes of this act only, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 23, 1863.

## CHAPTER 91.

[*Published March* 14, 1863.]

AN ACT relative to principals, and factors or agents.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Who shall be deemed owner of merchandise, and lien thereon.

SECTION 1. After this act shall take effect, every person in whose name any merchandise shall be shipped, shall be deemed the true owner thereof, so far as to entitle the consignee of such merchandise to a lien thereon, 1. For any money advanced or negotiable security given, by such consignee, to or for the use of the person in whose name such shipment shall have been made; and, 2. For any money or negotiable security received by the person in whose name such shipment shall have been made, to or for the use of such consignee.

When lien shall not exist.

SECTION 2. The lien provided for in the preceding section shall not exist when such consignee shall have notice, by the bill of lading or otherwise, at or before the advancing of any money or security by him, or at or before the receiving of such money or security by the person in whose name the shipment shall have been made, that such person is not the actual and *bona fide* owner thereof.

Who shall be deemed true owner, so far as to give validity to contracts for sale, &c.

SECTION 3. Every factor or other agent entrusted with the possession of any bill of lading, custom-house permit or ware-house keeper's receipt, for the delivery of any such merchandise, and every such factor or

agent not having the documentary evidence of title, who shall be entrusted with the possession of any merchandise for the purpose of sale, or as security for any advances to be made or obtained thereon, shall be deemed to be the true owner thereof, so far as to give validity to any contract made by such agent with any other person, for the sale or disposition of the whole or any part of such merchandise, for any money advanced or negotiable instrument or other obligation in writing given by such other person upon the faith thereof.

Antecedent debts.

SECTION 4. Every person who shall hereafter accept or take any such merchandise in deposit from any such agent, as security for any antecedent debt or demand, shall not acquire thereby or enforce any right or interest in or to such merchandise or document, other than was possessed or might have been enforced by such agent at the time of such deposit.

True owners may receive merchandise upon repayment of moneys advanced, &c.

SECTION 5. Nothing contained in the two last [last two] preceding sections of this act, shall be construed to prevent the true owner of any merchandise so deposited, from demanding or receiving the same upon repayment of the money advanced, or on restoration of the security given on the deposit of such merchandise, and upon satisfying such lien as may exist thereon in favor of the agent who may have deposited the same, nor from recovering any balance which may remain in the hands of the person with whom such merchandise shall have been deposited, as the produce of the sale thereof, after satisfying the amount justly due to such person by reason of such deposit.

Not applicable to common carriers.

SECTION 6. Nothing contained in this act shall authorize a common carrier, ware-house keeper or other person to whom merchandise or other property may be committed for transportation or storage only, to sell or hypothecate the same.

Penalty.

SECTION 7. Every factor or agent who shall deposit any merchandise entrusted or consigned to him, or any document so possessed or entrusted as aforesaid, as a security for any money borrowed, or negotiable instrument received by such factor or agent, and shall apply or dispose of the same to his own use contrary to good faith and with intent to defraud the true owner, and every factor or agent who shall sell any merchandise entrusted or consigned to him, in like manner and with like fraudulent intent, and every other person who shall

knowingly connive with or aid or assist any such factor or agent in any such fraudulent deposit or sale, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine and imprisonment, at the discretion of the court in which such conviction shall take place.

Approved March 23, 1863.

## CHAPTER 92.

[*Published April* 4, 1863.]

AN ACT to vacate certain streets and alleys in the fourth ward of the city of Milwaukee, and to provide for laying out certain streets therein described.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Streets and alleys vacated.

SECTION 1. The streets and parts of streets, alleys and parts of alleys, in the fourth ward of the city of Milwaukee, hereinafter particularly described, are hereby vacated, viz.: All of Menomonee street west of the west line of Second street; all of Fourth and Fifth streets, lying south of Fowler street; all of Seventh street, and a certain street between blocks one hundred and thirty-eight and one hundred and thirty-nine, and blocks one hundred and fifty-three and one hundred and fifty-four, lying south of Hinman street; all of Hinman and Eighth streets, lying south of the main track of the Milwaukee and Prairie du Chien railway, as now laid down; all the alleys in blocks numbered one hundred and thirty-eight, one hundred and thirty-nine, one hundred and forty, one hundred and forty-two, one hundred and forty-three, and one hundred and forty-eight; the alleys running easterly and westerly through block one hundred and forty-one; so much of the alley running north and south through block one hundred and forty-four, as lies south of the east and west alley in said block; so much of the east and west alley in block one hundred and thirty-seven, as lies between lots eight and thirteen, and nine and twelve,

and so much of the north and south alley in said block one hundred and thirty-seven, as lies south of the main track of the Milwaukee and Prairie du Chien railway, as at present located: *provided, however*, that this section shall not take effect until certain other streets shall be laid out and established as designated in section two of this act.

Proviso.

SECTION 2. The Milwaukee and Prairie du Chien railway company shall, in due form of law, lay out and plot a new street, seventy feet in width, commencing at the intersection of Fowler and Hinman streets, and extending south through block [blocks] one hundred and forty-one and one hundred and fifty-one, to the wharf now constructed on the canal or slip connected with the Menomonee river, the center line of which street shall be the center line of section twenty-nine, commonly called the quarter section line, running north and south through said section twenty-nine; said street to be known as Sixth street. There shall also be and hereby is laid out, a new street on the north side of the Milwaukee and Prairie du Chien railway, to be known as Hinman street, and to serve as the continuation of said street, in place of the portion thereof vacated by this act, which said new portion shall be fifty feet wide, and shall extend from the west line of block one hundred and thirty-seven, eastwardly, until it intersects Hinman street, as heretofore laid out; and the north line of said street, commencing at the north-west corner of lot eight, in block one hundred and thirty-seven, shall extend eastwardly along the north line of said lot eight, to the north-east corner thereof, and from thence eastwardly, and parallel with the main track of the Milwaukee and Prairie du Chien railway, to the intersection of the previous line of Hinman street. The said railway company shall cause the streets herein mentioned, to be surveyed and plotted, and a plot thereof, in so far as the same relates to the premises of said company, to be duly certified, acknowledged and recorded in the office of the register of deeds for Milwaukee county; and when so done, the provisions of section one shall become operative and remain in full force and effect: *provided, however*, that the grade of the new streets shall not be above the main track of said railway, that said railway company may reserve the right to lay down a side track in and along Hin-

New streets to be laid out.

Duty of Mil. and P. du C. R. R. Co.

Grade of streets, and rights of said company.

man street, as hereby extended, and that the rights of said company shall not be impaired or in any way abridged by the extension of Sixth street, so far as laying tracks or running trains across the same are concerned.

Continuation of Hinman street.

SECTION 3. The owners of the lots and lands adjoining and west of block one hundred and thirty-seven, are hereby authorized to lay out and open a new street, in continuation of the extension of Hinman street, described in the next preceding section, running westwardly and parallel, or nearly so, with the track of the Milwaukee and Prairie du Chien railway, from the west line of block one hundred and thirty-seven to the east line of block one hundred and ninety-five, in the said fourth ward.

Plotting and recording of said new streets.

SECTION 4. The new streets mentioned and described in this act, when so laid out and plotted, and the plot thereof recorded as in this act prescribed, shall thenceforth become public highways, and subject to all laws and ordinances regulating streets in the city of Milwaukee: *provided*, that no petition from the owners of land fronting on said streets to be opened, nor from the owners of lots fronting on the street on the south side of block one hundred and ninety-five, for improving the same, shall be required.

No petition necessary.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1863.

## CHAPTER 93.

[*Published March* 26, 1863.]

AN ACT to legalize the advertisement and sale of lots and lands in the city of La Crosse, made September 6th, 1859, for the unpaid taxes of 1858, and all acts and proceedings relative thereto, prior to said sale and subsequent [subsequently] to the completion of the assessment roll of 1858.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Advertisement and sale legalized.

SECTION 1. All sales of lots and lands in the city of La Crosse, made September 6th, 1859, for the un-

paid taxes of 1858, and all acts and proceedings relative thereto, prior to such sale and subsequent [subsequently] to the completion of the assessment roll of 1858, is [are] hereby made legal for all purposes whatsoever; and all certificates of sale issued thereon by the city treasurer of said city of La Crosse, are hereby made legal, valid and sufficient in all respects and to all intents and purposes, and no omission or error in the advertising of said lands or in any other respect, shall, to any extent, invalidate said sale or the tax certificates or tax deeds issued thereon.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 25, 1863.

## CHAPTER 94.

[*Published March* 26, 1863.]

AN ACT to legalize the sale of lands for unpaid taxes, and the advertisement thereof, in the county of Dodge.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. All sales of lands for unpaid taxes, made in and for the county of Dodge, on the 9th day of September, A. D. 1862, and the advertising thereof, and all certificates of sale issued thereon by the county treasurer of said county, and the advertisement of the delinquent list in the Beaver Dam Argus, for four weeks previous [previously] to the said 9th day of September, are hereby made legal and valid, and sufficient in all respects and to all intents and purposes; and no omission or error in any of the dates in said advertisement or day of sale, shall, in any manner, invalidate any tax deed that hereafter may be given pursuant to any such certificate of sale. Advertisement and sale legalized.

SECTION 2. This act is hereby declared to be a general law, and shall take effect from and after its passage.

Approved March 25, 1863.

## CHAPTER 95.

[*Published March* 27, 1868.]

AN ACT to amend chapter 117 of the revised statutes, entitled "of county courts," and also to repeal chapter 104 of the general laws of 1859, entitled "an act to enlarge the civil jurisdiction of the county court of La Crosse county," and chapter 167 of the general laws of 1860, entitled "an act relating to the La Crosse county court."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Civil jurisdiction of La Crosse county court abolished.

SECTION 1. Strike out the word "La Crosse," where it occurs in the second line of section forty-six of said chapter one hundred and seventeen, and the words "in the county of La Crosse, on the third Monday of May, September and January," where the same occurs [occur] in section forty-eight of said chapter one hundred and seventeen.

Repeal.

SECTION 2. Chapter one hundred and four of the general laws of 1859, entitled "an act to enlarge the civil jurisdiction of the county court of La Crosse county," and chapter one hundred and sixty-seven of the general laws of 1860, entitled "an act relating to the La Crosse county court," are hereby repealed.

Business transferred to circuit court.

SECTION 3. It shall be the duty of the county judge and of the clerk of the county court of said county of La Crosse, to immediately file with and in the office of the clerk of the circuit court of said county of La Crosse, all papers relating to law suits closed up or now pending in said county court, and to deliver to and leave with said clerk of said circuit court, all books, dockets and records relating to judgments and to law-suits now pending or closed up in said county court; and all suits and proceedings pending in the said county court at the time when this act takes effect, (except probate matters,) are hereby transferred to the circuit court for said county of La Crosse, and shall be heard, tried and determined by said circuit court, in the same manner and with like effect as if said suits and proceedings had been originally commenced in said circuit court; and execution on any judgments heretofore entered or docketed in said county court, may be issued in like manner as on judgments recovered in said circuit court.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1868.

## CHAPTER 96.

[*Published March* 28, 1868.]

AN ACT to appropriate to the several persons therein named, certain sums of money.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, to Frank Ludwig, B. F. Wyne, Michael Golden, John Roselip, Christopher Grotjohn, Thomas R. Hugill, Philip Pollard, James McKernon, Henry Speth, J. H. Albaum, John Speth, Henry Speth, 2d, William Bloxham, Thomas McGovern, John McGovern, Samuel Jones, Henry Miller, Hugh Griffith, Isaac Alcock, Christian Peterson, Henry Christian Miller, James Bray, Christian Miller, John Micka, jr., John Micka, sr., Jachaniah Roselip, James Darley, Charles Roselip, Frederick Steinhover, John Peterson, Thomas Calloway, Anton Kaler, Casper Cornelius, Harry Kimball, Robert Bellwood, Christian Klerenstein, Christopher Bell, Nicholas Hinkin, Henry Wandmaker, Emanuel Katzinstein, Joshua Coulin, John McArthur, William Grindell, Philip Steinbeck, Thomas Hooper, L. Vanderbie, John Schlegel, Theodore Meimann, Bernard Dosher, Albert Riege, Nicholas Bevis, John Shay, Thomas Shay, Ferdinand Thoman, Henry Timmerman, Henry Seitz, Edward Otto, Martin Hayden, William Daley, John Rucks, John F. Schenck, John Vanderless, Martin Ondyn, Henry Wrage, Jacob Reitzer, Eide Struhs, William Rawitzer, Robert Mann, John Golden, and A. K. Young, the sum of eighty-one cents each, being in full for one day's attendance as witnesses before W. E. Carter and Charles Dunn, commissioners appointed by the assembly to take testimony in the contested election case between John H. Rountree and Appropriations.

John Harms, and for one mile's travel to attend before said commissioners, of each of the beforenamed persons, respectively.

Authority to Wm. H. Carter.

SECTION 2. William E. Carter is hereby authorized and empowered to receive the foregoing several sums of money from the state treasurer, and to sign a receipt therefor, which shall be a full and complete receipt therefor to the said state treasurer; and the said William E. Carter shall distribute the said several sums of money above named to the several persons above named, respectively.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 26, 1863.

## CHAPTER 97.

[*Published March 27, 1863.*]

AN ACT to legalize the official acts of Miller H. Hodge, as justice of the peace in the county of Marquette.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Acts legalized.

SECTION 1. That all the official acts and duties performed by Miller H. Hodge, as justice of the peace in the town of Oxford, in the county of Marquette, in this state, prior to the passage of this act, so far as the same are consistent with the general laws of this state, are hereby legalized and declared to be as valid, for all purposes, as though the said Miller H. Hodge had caused his official bond and oath to be made and filed in conformity with the statutes of this state.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 25, 1863.

## CHAPTER 98.

[*Published March* 27, 1863.]

AN ACT to legalize the acts of J. B. Ribble, a justice of the peace in Dodge county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The official acts of J. B. Ribble, a justice of the peace in the village of Horicon, Dodge county, are hereby declared to be lawful, notwithstanding the requirements of the law have not all been complied with in filing the bond and oath. Acts legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 25, 1863.

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## CHAPTER 99.

[*Published March* 27, 1863.]

AN ACT to legalize the acts of A. J Rising, a notary public in the county of Dodge.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The official acts of A. J. Rising, a notary public in Dodge county, are hereby declared to be lawful, notwithstanding an intermission existed between the expiration of a former commission and the date of his present commission. Acts legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 25, 1863.

## CHAPTER 100.

[*Published March* 28, 1863.]

AN ACT to amend chapter eighty-nine of the general laws of 1862, entitled "an act to authorize the investment of the school funds in the bonds of the state."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Bonds of the state to be preferred.

SECTION 1. Section one of chapter eighty-nine of the general laws of 1862, entitled "an act to authorize the investment of the school fund in the bonds of the state," is hereby amended, so as to read as follows: "The commissioners of the school and university lands are hereby authorized and directed to invest, in preference to all other loans and investments, the principal of the school fund now in the treasury, or which may be hereafter paid in, in the bonds of the state of Wisconsin. Interest shall be paid on the funds so invested, at the rate of seven per centum per annum, on the thirty-first day of May, in each year; and a sum sufficient to pay such interest is hereby annually appropriated out of the state treasury for that purpose."

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 26, 1863.

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## CHAPTER 101.

[*Published March* 31, 1863.]

AN ACT to provide for the application of the five per cent. collection fees on delinquent taxes, in the counties of Calumet and Wood.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

To be paid to own treasurers.

SECTION 1. The five per cent. collection fees on taxes returned as delinquent, in the counties of Calumet and Wood, pursuant to section ninety-five of chapter eighteen of the revised statutes, for the years 1860, 1861

and 1862, and all such collection fees which may hereafter be returned as delinquent to the county treasurers of said counties of Calumet and Wood, pursuant to said section ninety-five, for any year or years subsequent to 1862, are hereby declared to belong to the town treasurers making return thereof; and the county treasurers of said counties are hereby authorized and required to pay to each of the town treasurers of their counties returning any of such collection fees as aforesaid, the amount of such collection fees so returned by such town treasurer. The sums so paid, evidenced by the receipts of the town treasurers, shall be allowed to said county treasurers on settlement of their accounts with their counties.

Not applicable.

SECTION 2. Section ninety-seven of said chapter eighteen of the revised statutes, shall not apply to the counties of Calumet and Wood.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 26, 1863.

## CHAPTER 102.

[*Published March* 31, 1863.]

AN ACT to amend chapter 176 of the general laws of 1862, entitled "an act to establish a system of graded certificates, and to amend chapter 179 of the general laws of 1861."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Re-examination by state superintendent.

SECTION 1. Chapter one hundred and seventy-six of the general laws of 1862, is hereby amended, by adding thereto the following, as a new section: "Any person refused a certificate as a teacher, by the county superintendent, may apply to the state superintendent for a re-examination; and if upon such re-examination, the state superintendent shall be satisfied that the applicant is legally qualified, he shall issue a certificate, which shall have the same force and entitle the holder to the same privileges as if he held a certificate from the coun-

Duty of county superintendent.

ty superintendent: *provided*, that any county superintendent refusing a certificate to an applicant, upon demand, shall give said applicant a written statement of the reasons why he, the said superintendent, refuses to issue said certificate; which statement shall, in all cases, be presented to the state superintendent by the person desiring a re-examination."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 26, 1863.

## CHAPTER 103.

[*Published March* 31, 1863.]

AN ACT to revive and continue in force the charter of the Green Bay and Minnesota railroad company.

(*See supplement to local laws.*)

## CHAPTER 104.

[*Published March* 31, 1863.]

AN ACT to legalize the sale of the Beloit and Madison railroad, and to reorganize the Beloit and Madison R. R. Co.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Acts legalized.

SECTION 1. That all of the proceedings for the foreclosure and sale of said Beloit and Madison railroad, its franchises, privileges and property, be, and the same is [are] hereby legalized and fully confirmed, and that all of the proceedings of John B. Turner and William H. Brown, and their associates, and their acts and doings in reorganizing said railroad company, are also hereby legalized; and it is further enacted, that said John B. Turner and William H. Brown, and their associates, successors and assigns, shall be a body politic and corporate, under the name and style of the Beloit and Madison railroad

Reorganization.

company, and shall possess all the powers, privileges and authority possessed by the said Beloit and Madison railroad company before the same was foreclosed, under and by virtue of its charter and of any law of this state.

SECTION 2. It is also further enacted, that said corporation, so hereby legalized, may, by vote of the directors, assume any liabilities secured by any previous mortgage; and any mortgage or mortgages which it may have made to secure any existing liabilities, or to obtain money to build and complete, use and operate said railroad, is hereby legalized; and all subscriptions made to the purchasers and their associates, or to said corporation while the same was being reorganized, and for and in behalf of said Beloit and Madison railroad, or to the capital stock of said company, to aid in the completion of said road or otherwise, and before the passage of this act, are hereby legalized and made valid: *provided*, that the said Beloit and Madison railroad company, and all property belonging to said company, shall be liable and holden for the payment of a certain judgment in favor of David Merrill, rendered on the 12th day of January, A. D. 1858, and against the original Beloit and Madison railroad company. Acts legalized. Liability of company.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 26, 1863.

## CHAPTER 105.

[*Published April* 13, 1863.]

AN ACT to authorize the common council of the city of Beaver Dam to regulate the erection and removal of wooden buildings in said city.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The common council of the city of Beaver Dam shall have power, for the purpose of guarding against the calamities of fire, to prescribe and limit the hight and size of wooden buildings to be hereafter erec- Authority to council.

ted or moved upon any lot or piece of ground within any specified limits in said city, and to prescribe and limit the time within which any wooden building or buildings, other than fire-proof, hereafter erected upon or moved upon any lot or piece of ground within specified limits, shall remain thereon, and to compel the owner or owners of such building to remove the same from such limits; and in case the owner or owners of such building so required to be removed, shall neglect or refuse to remove the same for thirty days after being so required to do, by order of the common council made and served upon the owner, his agent, or the occupant of said building, to cause the building to be removed from such lot at the expense of the owner or owners of such building, and to prescribe the mode and manner of compelling said owner or owners to pay the expense of said removal, and shall have power to cause such building to be sold to pay the expense of such removal and the costs of such sale.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 26, 1863.

## CHAPTER 106.

[*Published April* 18, 1863.]

AN ACT to annex a part of the county of Dallas to the county of Polk.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Lands annexed.

SECTION 1. All of townships numbers thirty-two, thirty-three, thirty-four, thirty-five, thirty-six and thirty-seven, of range number fifteen west, in the county of Dallas, are hereby detached and set off from the county of Dallas, and attached and annexed to the county of Polk.

Repeal

SECTION 2. All acts and parts of acts conflicting with this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 26, 1863.

# CHAPTER 107.

[*Published March* 27, 1863.]

AN ACT to provide for continuing the work on the state capitol.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The governor, state treasurer, secretary of state, attorney general and bank comptroller, are hereby constituted a board of building commissioners, and are authorized to let by contract, to the lowest responsible bidder, the building and erection of the foundation of the south wing and of the rotunda of the state capitol to the top of the water table, and the erection and completion of the north wing thereof, the whole to be in conformity with the plan commenced; and such contract shall require the full completion of the same on or before the thirty-first day of December, 1863.

Proposals, &c., for foundation of south wing and rotunda, and for erection of north wing.

SECTION 2. Before advertising for proposals, the commissioners and the superintending architect may make such alterations in the plans and specifications, not materially altering the original plan, as to them may seem advisable.

Plans may be altered.

SECTION 3. In advertising for proposals, in making the contract, and in making payments for work under the same, the commissioners shall follow the provisions of an act entitled "an act to authorize the enlargement of the state capitol, and providing and appropriating means for the payment of the same," approved February 28th, 1857, so far as the same shall be applicable; and in addition to the requirements of said act, they shall require of the contractors reasonable security for the prompt and faithful prosecution and completion of the work under such contract, within the time to be specified in such contract, and shall reserve the right and have the power, if the contractor shall neglect or abandon the work, or fail to prosecute the same with such diligence and dispatch as will reasonably secure the completion of the work in the time specified in the contract, to declare such contract abandoned and forfeited, and shall relet the same to such other suitable person or persons as will secure the completion of the work by the time specified in such contract; and no liabilities shall exist on the part of the state for any service rendered

Act applicable.

Contract may be declared forfeited, &c.

under or upon any contract so abandoned and forfeited: *provided*, that in case it shall become necessary to relet the work, the commissioners shall relet to the lowest responsible bidders, in the same manner as is provided for in section one of this act.

Appropriation.

SECTION 4. For the payment of the work, as the same progresses under the contract, there shall be and hereby is appropriated out of the state treasury, a sum sufficient to defray the cost of building said foundation and wing: *provided*, that the entire cost of said work, whether included in the specifications of the architect or not, shall not exceed the sum of sixty-three thousand dollars.

Limit to cost.

Monthly estimates.

SECTION 5. Once in each month the superintending architect shall estimate and report to the commissioners the amount of work performed and material furnished under the contract for such enlargement, and if they approve the same, the governor shall certify eighty-five per centum thereof to the secretary of state, who shall draw his warrant on the treasurer for the same. Upon the completion of the work under such contract, the remaining fifteen per centum shall be certified and paid in like manner.

Architect—his salary, &c.

SECTION 6. The building commissioners are hereby authorized to employ an architect to superintend the work, whose compensation on his estimate shall be as follows: One per centum for details to larger scales, and one per centum for superintendence, which shall be in full payment for all services performed by said architect; and the commissioners may, if in their judgment the public good requires it, discharge such architect, and employ another in his place and stead; in which case the compensation of said architect for services rendered, shall be adjusted upon the same terms as are heretofore provided for the compensation of the architect, having regard to the amount of services rendered.

To receive no bonus.

SECTION 7. The architect employed under this act is prohibited from receiving, directly or indirectly, any commission, bonus, reward or compensation from the contractor or contractors who may be employed in the construction of the work contemplated by this act, or of any part thereof, or from any one in the employ of or furnishing materials to such contractor or contractors.

Forfeiture.

SECTION 8. In case of a violation of the foregoing section, the architect shall be discharged, and shall for-

feit all claim and right to compensation for services rendered up to the time of such discharge.

SECTION 9. This act shall be of no force or effect, unless the city of Madison shall, in accordance with a resolution adopted by the common council thereof, on the seventh day of March, 1863, furnish, free of rent to the state, commodious and suitable rooms for all the state officers and departments that shall necessarily be removed from the state capitol during the foregoing enlargement thereof, such rooms to be furnished until the completion of the above named work; and as an evidence of the acceptance of such conditions by said city, its mayor and common council shall file with the secretary of state, within twenty days after the passage of this act, a written acceptance of the same, by resolution or ordinance. City of Madison to furnish rooms free of rent, &c.

SECTION 10. This act shall not be so construed as to permit the foregoing named commissioners to let the contract herein, for a larger sum than sixty-three thousand dollars; and any contract by them for any work herein specified, for a larger sum than sixty-three thousand dollars, shall have no binding force or effect upon the state. Construction.

SECTION 11. This act shall take effect and be in force from and after its passage.

Approved March 26, 1863.

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## CHAPTER 108.

[*Published March* 27, 1863.]

AN ACT authorizing the borrowing of money on the faith and credit of the state, to defray extraordinary expenditures.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. For the purpose of defraying extraordinary expenditures on the enlargement of the capitol, a loan of fifty thousand dollars is hereby authorized, and required to be made on the faith and credit of the state, in the form hereinafter prescribed. Loan of $50,000 authorized.

Preparation of bonds.

SECTION 2. The governor, secretary of state and state treasurer, or a majority of them, shall cause to be prepared state bonds of the state of Wisconsin, with coupons for interest attached, to the number of fifty, each for the sum of one thousand dollars, which bonds shall be payable to bearer, signed by the governor, and countersigned by the secretary of state and state treasurer, and the seal of the state shall be affixed thereto.

Where payable, interest, &c.

Such bonds shall be made payable at such bank, in the city of New York, as the state treasurer shall select, with interest at the rate of six per centum per annum, payable semi-annually, on the first days of April and October, in each year, from the first day of April, 1863, and the principal to fall due on the first day of April, 1868.

Advertising for proposals.

SECTION 3. At such time as he shall deem most advisable, the state treasurer shall advertise in the state papers [paper] for ten days, for sealed proposals for the purchase of the bonds so executed. On the day mentioned in the advertisement, all proposals shall be opened by the governor, secretary of state and state treasurer, and said bonds shall be sold to the person or persons offering the highest price therefor; and in case no proposals shall be received within the time limited, said officers may sell said bonds to any person or persons: *provided*, that in no case shall any of said bonds be sold at less than par, or until an equal amount of the bonds falling due on the first day of April, 1863, have [has] been paid and cancelled, [canceled.]

How bonds to be sold.

Tax for payment of annual interest.

SECTION 4. An annual tax of such per centum of the taxable property of the state, as may be sufficient to pay the coupons attached to the bonds so sold, as they may become due, is hereby levied upon such property for the years 1863, 1864, 1865, 1866 and 1867, to be collected with and in addition to the state tax levied in each of said years, and the proceeds of said tax are hereby appropriated to pay such coupons; and in addition thereto, there is hereby levied upon such taxable property, in the year 1867, the sum of fifty thousand dollars, to be added to and collected with the state tax of that year, which sum of fifty thousand dollars is hereby appropriated to the payment of the principal of said bonds.

Tax for payment of principal.

Appropriation.

Validity of tax.

SECTION 5. The tax levied by this act, in any year, is to have the same force and effect as if the legisla-

ture in such year had passed an act levying such tax; and if, from any cause, the proceeds of any tax herein levied, shall be insufficient to pay the interest and principal of said loan, as the same, respectively, fall due, the state treasurer shall pay the deficit out of any money in the state treasury not otherwise appropriated.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 26, 1863.

## CHAPTER 109.

[*Published April* 13, 1863.]

AN ACT to authorize the city of Madison to levy a special tax for the year 1863.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The common council of the city of Madison is hereby authorized to levy and collect a special tax, in addition to the amount authorized by the act incorporating said city, and amendments thereto, not exceeding seven thousand dollars; said tax to be levied and collected in the manner and at the time other taxes are levied and collected in said city, for the year 1863. Tax not to exceed $7,000.

SECTION 2. So much of the proceeds of said tax as may be necessary for that purpose, not exceeding five thousand dollars, shall be used to purchase the right of way for the Madison and Beloit railroad, through said city. How part to be expended.

SECTION 3. So much as shall be necessary for that purpose, not exceeding two thousand dollars, of the proceeds of said tax, shall be used for the purpose of building a bridge across the Catfish river, near Farewell's [Farwell's] mills, and in building and improving the proposed road in said city, running from said bridge to Brearley street. No part of the proceeds of said tax shall be used for any other purposes than those herein designated. Ibid.

Council may borrow the money.

SECTION 4. Said city council are authorized to borrow money for the purposes herein mentioned, not exceeding seven thousand dollars, to be paid from the proceeds of the tax hereby authorized, and to issue such obligations or securities therefor as they may deem advisable.

SECTION 5. This act shall take effect from and after its passage and publication.

Approved March 26, 1863.

## CHAPTER 110.

[*Published April* 13, 1863.]

AN ACT to amend section 1 of chapter 258 of the general laws of 1862, entitled "an act to amend section 19 of chapter 117 of the revised statutes, entitled 'of county courts.'"

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Who shall not appraise an estate, draw petition, &c.

SECTION 1. Section 1 of chapter 258 of the general laws of 1862, entitled "an act to amend section 19 of chapter 117 of the revised statutes, entitled 'of county courts,'" is hereby amended, by repealing all after the words "county court," in the 8th line, so that the section, as amended, will read as follows, viz.: "Section 19. No clerk or other person employed in the office of any county judge, shall be commissioner, appraiser or divider of any estate in any case that is within the jurisdiction of such county judge or of the county court."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 26, 1863.

# CHAPTER 111.

[*Published April* 13, 1863.]

AN ACT to dispense with summoning a grand and petit jury for the April term of the circuit court in and for the county of Adams.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. No grand or petit jury shall hereafter be drawn or summoned, in the county of Adams, for the April term of the circuit court, to be held in said county, except as hereinafter provided. Jury to be dispensed with.

SECTION 2. All recognizances requiring any person to appear at the next term of the circuit court to be held in said county, to answer an indictment or indictments to be preferred against such person, shall be construed to mean at the October term of said court then next to be held after the taking of such recognizance. Construction.

SECTION 3. If any criminal or civil action pending in said court, shall be ready for trial at any term of said court when no jury shall have been summoned, the judge, on motion of either party to any such action, shall order a special jury summoned and empanneled for the trial of such action: *provided*, the party demanding such jury, at the time of making such motion, shall deposit with the clerk of said court six dollars, to be paid to such jury, which sum shall be in full compensation for their services in the trial of such action; but in all cases where a jury is empanneled under the provisions of this act, for the trial of a criminal action, the jurors shall receive the same compensation and be paid in the same manner as is provided by law in like cases. When jury may be summoned. Jury fees to be advanced.

SECTION 4. In case the party moving for the jury shall be the prevailing party in the action, he [the judge] may tax the jury fees against the losing party, the same as other costs and disbursements. May be taxed against losing party.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 26, 1863.

## CHAPTER 112.

[*Published April* 14, 1863.]

AN ACT to amend chapter twenty-two of the general laws of one thousand eight hundred and fifty-nine, entitled "an act relative to the sale of land for unpaid taxes, and the conveyance and redemption thereof."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Deeds to county.

SECTION 1. Section eleven of chapter twenty-two of the general laws of one thousand eight hundred and fifty-nine, is hereby amended, by adding to the end of said section the words: "*Provided*, that no such deed shall issue until the county board of supervisors shall, by resolution, order the same," so that said section eleven shall read as follows: "Section 11. When any land so bid of [off] for any county, shall not be redeemed, as provided by law, the clerk of the board of supervisors shall execute to the county, in his name of office, a deed of release therefor, witnessed and acknowledged in like manner as deeds to individuals, which shall have the same force and effect as conveyances executed by said clerk to individuals for land sold for taxes: *provided*, that no such deed shall issue until the county board of supervisors shall, by resolution, order the same."

Board to order issue.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 26, 1863.

## CHAPTER 113.

[*Published April* 4, 1863.]

AN ACT to provide for the application of the five per cent. collection fees on delinquent taxes, in the county of Kewaunee.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

To be paid to town treasurers.

SECTION 1. The five per cent. collection fees, on taxes returned as delinquent, in the county of Kewaunee, pursuant to section ninety-five of chapter eighteen of

the revised statutes, for the years 1861 and 1862, and all such collection fees which may hereafter be returned as delinquent to the county treasurer of said county of Kewaunee, pursuant to said section ninety-five, for any year or years subsequent to 1862, are hereby declared to belong to the town treasurers making return thereof; and the county treasurer of said county is hereby authorized and required to pay to each of the town treasurer [treasurers] of his county returning any of such collection fees as aforesaid, the amount of such collection fees so returned by such town treasurers. The sums so paid, evidenced by the receipts of the town treasurers, shall be allowed to said county treasurer on settlement of his accounts with the county.

Not applicable.

SECTION 2. Section ninety-seven of said chapter eighteen of the revised statutes, shall not apply to the county of Kewaunee.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 26, 1863.

## CHAPTER 114.

[*Published April* 13, 1863.]

AN ACT to authorize the city of Kenosha to compromise its bonded indebtedness, and to repeal chapter 152 of the private and local [general] laws of 1862, entitled "an act to enable the city of Kenosha to readjust and arrange its indebtedness."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

New bonds may be issued.

SECTION 1. The city of Kenosha is hereby authorized to issue new bonds, in exchange for the bonds and scrip heretofore issued by said city, on harbor and railroad account, now outstanding and unredeemed, or for the judgements [judgments] heretofore rendered thereon, for the purpose of compromising the indebtedness of said city on such terms as may be agreed upon between the city and its creditors.

Form of bonds, interest, &c.

SECTION 2. The bonds authorized to be issued by virtue of this act shall bear date at the time when issued,

shall be in such forms, contain such stipulations and conditions, for such sums, at such rate of interest, not exceeding seven per cent., and for such amounts, not exceeding twenty per cent. of the indebtedness of said city on the first day of January, 1863, as may be agreed upon between the city and its creditors. The interest on said bonds shall be payable annually on the first day of June, in each year, at the office of the treasurer of the city of Kenosha, and the principal shall be payable twenty-five years from the first day of June, 1863; but by the terms of said bonds the same shall be redeemable at pleasure of said city, at any time after five years from the date of the same.

Amount.

Where interest and principal payable.

Tax for interest.

SECTION 3. After the issue of said bonds, the city council shall annually levy and collect a tax sufficient to provide for the payment of the interest on said bonds, which tax shall be levied and collected upon all real and personal property within said city subject to taxation, at the same time and in the same manner as provided by law for the collection of other taxes in said city. All coupons for interest on said bonds, shall be receivable in payment of all city taxes, except taxes levied for school purposes.

Coupons for interest receivable for city taxes.

Commissioners.

SECTION 4. Royal B. Towsley, Harvey Durkee, Andrew Schoffen and George Bennett, of said city, are hereby appointed commissioners to conduct the negotiations for a compromise of the old indebtedness, to meet and confer with the creditors of the city, and to receive and make propositions for the settlement of said indebtedness. Said commissioners may act separately or in concert, and all action by them taken shall be reported by them to the city council.

Question to be submitted to a vote.

SECTION 5. After the commissioners appointed as aforesaid shall have reported to the city council any proposition by them received for the settlement of the city indebtedness, which shall be satisfactory to said city council, said city council shall pass an ordinance authorizing the mayor and clerk of said city to execute and deliver the bonds authorized by this act, in satisfaction of the outstanding indebtedness of said city. The rate per cent. of new bonds to be given for former indebtedness, the time of payment, rate of interest, &c., shall be fully set forth in said ordinance, which ordinance shall thereupon be published for two weeks in some newspaper printed in said city. After such publication, said

ordinance shall be submitted to a vote of the qualified electors of said city, at a time to be appointed by said common council. The vote shall be by ballot, on which shall be printed the words, "for the ordinance," and [or] "against the ordinance." If a majority of the votes cast at any such election shall be in favor of such ordinance, then shall the mayor and city clerk issue and deliver the bonds as aforesaid; if against such ordinance, the city council may, upon a different basis as to amount, rate of interest and time of payment, to be in like manner set forth by ordinance, from time to time submit the question to a vote of the electors of said city, as hereinbefore provided. No bonds shall be issued by virtue of this act, until a majority of all the votes cast at an election, as herein provided, shall be in favor of the same.

Form of ballots, how canvassed, &c.

SECTION 6. In case any of the commissioners hereinbefore named shall decline to act, his place may be filled by appointment by the city council.

Vacancies.

SECTION 7. In the year 1868, and annually thereafter, the city council of said city shall, in addition to the tax levied for the payment of interest on said new bonds, levy and collect an additional tax for the purpose of creating a sinking fund for the redemption of said bonds. Said tax shall be, for each of the five years commencing with 1868, two and one-half per cent. of the entire indebtedness of said city, as evidenced by said bonds; for each of the five years commencing with 1873, five per cent. of the gross indebtedness, as aforesaid; and for each of the five years commencing with 1878, seven and one-half per cent. of said gross indebtedness; and for each of the five years commencing with 1883, ten per cent. of such gross indebtedness. From time to time, when an amount shall accrue in the treasury, belonging to the sinking fund, sufficient to purchase one or more of the bonds issued under this act, it shall be so applied.

Taxes for payment of principal.

SECTION 8. Chapter one hundred and fifty-two of the private and local [general] laws of 1862, entitled "an act to enable the city of Kenosha to readjust and arrange its indebtedness," is hereby repealed.

Repeal.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved March 26, 1868.

## CHAPTER 115.

[*Published April* 24, 1863.]

AN ACT to amend an act entitled "an act to consolidate and amend the act to incorporate the city of Milwaukee, and the several acts amendatory thereof."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amendment.

SECTION 1. Section 8 of an act approved June 18th, 1862, and entitled "an act to amend an act entitled 'an act to consolidate and amend the act to incorporate the city of Milwaukee, and the several acts amendatory thereof,'" is hereby amended, by striking out the figures "1861," and inserting in lieu thereof the figures "1862," so as to read as follows: "as shall be deemed by said assessors for the year 1862, most convenient;" and the acts of the assessors for the year 1862, in making the assessment, are hereby confirmed and declared as legal as if said figures 1862 had been a part of the original law, instead of 1861.

Calculation of interest.

SECTION 2. The interest to be collected at the rate of seven per centum per annum on the amount of tax which shall be levied by the common council of the city of Milwaukee, for the years 1856 and 1857, respectively, shall be calculated from the first day of February, 1857, until the first day of May, 1863, for the taxes for the year 1856, and from the first day of July, 1858, until the first day of May, 1863, for the taxes for the year 1857.

Amendment.

SECTION 3. Section 20 of the act aforesaid is hereby amended, by striking out the figures "1862," where it occurs [they occur] in the said section, and inserting in lieu thereof the figures 1863.

Duty of council.

SECTION 4. It shall be the duty of the common council of the city of Milwaukee, and of the several city officers elected or appointed for the year 1863, to carry out all of the provisions of the act aforesaid, of which this act is amendatory, and which shall not already have been carried out.

Rights of holders of certificates not affected.

SECTION 5. The holder of any street commissioners' certificate, for which a special tax has been relevied by the common council, in pursuance of this act, for either of the years 1856 or 1857, shall not by such relevy in

any way be deprived from exercising his privilege of filing a bill in chancery in the circuit court of the county of Milwaukee, or in any other court having equity jurisdiction in said county, to enforce the lien given by the provision of "an act to make street commissioners' certificates in the city of Milwaukee, a lien upon lots or lands against which they may issue," and it shall be left to the option of such holder of any street commissioners' certificates, for said years, whether he will enforce the collection of his lien by applying for a decree of foreclosure for the amount of such lien and taxes and the interest thereon, at the rate of 25 per centum per annum, or resort to the remedy existing for the collection and enforcement of taxes and assessments for city improvements, made by order of the street commissioners of the several wards of the city of Milwaukee; but it shall not be lawful for any holder of street commissioners' certificate, who shall not enforce his lien by filing bill in chancery as aforesaid, to claim a higher rate of interest on such certificate, until the first day of May, 1868, than that provided for in the act for reassessment to which this is amendatory.

Tax of $70,000 authorized.

SECTION 6. The common council of the city of Milwaukee may, in consideration of the extraordinary expenditures in paying for and equipping steam fire engines, levy for the year 1863, a tax not exceeding the sum of seventy thousand [dollars] for general city purposes, instead of the sixty thousand dollars as now authorized by law to be levied.

Repeal.

SECTION 7. All acts and parts of acts so far as they conflict with the provisions of the act to which this is amendatory, are hereby repealed.

Approved March 27, 1863.

## CHAPTER 116.

[*Published April* 14, 1868.]

AN ACT to amend chapter 205 of the private and local [general] laws of 1862, entitled "an act to amend chapter 252 of the private and local laws of 1858, entitled 'an act to amend an act to incorporate the city of La Crosse, approved March 14. 1856.'"

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Lands struck off to city, and sale of same.

SECTION 1. Section two of chapter 205 of the private and local [general] laws of 1862, entitled "an act to amend chapter 252 of the private and local laws of 1858, entitled 'an act to amend an act to incorporate the city of La Crosse, approved March 14, 1856,'" is hereby amended, so as to read as follows: "Section 2. Section four of the act to which this act is amendatory. is hereby amended, by adding at the end of said section the following words: 'All real estate struck off to the city, as provided by this section, shall continue liable to be taxed, and such taxes, interest and charges thereon, shall be a lien on such real estate, and shall be paid out of the city treasury while the certificate of sale, so issued to the city, shall be owned by the city; but no real estate so struck off to the city shall be offered for sale to pay any taxes levied thereon subsequently to the time when it shall be so struck off to the city, until it shall have been redeemed, or the tax certificate issued to the city shall have been sold and assigned by the city treasurer of the city; and no person shall redeem any real estate so struck off to the city, without first paying to the city treasurer all taxes paid by the city on such real estate, levied subsequently to the time of its being so struck off to the city, and interest thereon, at the rate of twenty-five per cent. per annum, from the first day of January next after the time when such tax was levied; nor shall the city treasurer of the city sell any such certificate of sale without first requiring the purchaser thereof to pay all taxes so paid by said city upon the real estate described in such certificate, and the interest thereon, at the rate of twenty-five per cent. per annum, from the first day of January next after such tax was levied, unless he be authorized so to do by the common council of said city.'"

Redemption of lands so struck off.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1863.

## CHAPTER 117.

[*Published April* 14, 1863.]

AN ACT for a state road from Berlin to Princeton, in the county of Green Lake.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. That B. C. Smith, Otis H. Capron and M. H. Shipley, are hereby appointed commissioners, and as such commissioners are authorized to lay out and establish a state road from Berlin to Princeton, in the county of Green Lake. Commissioners.

SECTION 2. That said commissioners shall give notice of the time and place in any town at which they will meet to award damages, by publishing a notice in some newspaper printed in Green Lake county, for three successive weeks, once in each week, immediately preceeding [preceding] such meeting, and at such meeting shall award damages to each owner of land through which such road runs, unless such owner shall release all claims for damages. Award of damages.

SECTION 3. Said commissioners shall file in the office of the clerk of the board, their order laying out said road and a definite description of the same, or a survey thereof, and their award of damages or the releases of the same, and shall be paid for their services from the county of Green Lake. Survey of road, &c., to be filed.

SECTION 4. The damages so awarded to land which said road crosses, caused by laying out and opening the same, shall be paid by the towns in which such land lies; and any person may appeal from such award of damages within ten days from the time of filing the same, in the same manner and with the same proceedings and effect, as appeals may now be made by law from the decision of town supervisors on the subject. Payment of damages. Appeal.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 27, 1863.

## CHAPTER 118.

[*Published April* 14, 1863.]

AN ACT authorizing the establishment of the grade of a certain street in the village of Lodi, in Columbia county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Grade of Main street.

SECTION 1. The supervisors of the town of Lodi, in the county of Columbia, are hereby authorized and empowered to establish a grade of Main street, in the village of Lodi, in said town, and to determine the width of sidewalks in the same.

Survey of grade to be made and recorded.

SECTION 2. Whenever said supervisors shall establish a grade of said street, they shall cause an accurate survey thereof to be made, and shall make out a description, and incorporate the same in an order to be signed by them, and shall cause such order to be filed and recorded in the office of the town clerk of said town, who shall note the time of receiving and recording, in the record.

Grade to be conformed to.

SECTION 3. After said survey shall have been made and recorded, as herein provided, any person or persons building on said street shall erect such building or buildings in such manner, that the said walk shall be upon the grade thus established; and all side-walks built after said grade shall have been established, shall conform to such grade.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 27, 1863.

# CHAPTER 119.

[*Published March* 31, 1863.]

AN ACT to enable the city of Fond du Lac to settle with the holders of its bonds, issued to aid in the construction of plankroads, and to reissue bonds for that purpose.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

New bonds may be issued.

SECTION 1. The city council of the city of Fond du Lac, for the purpose of paying, settling and discharging the bonds issued by the city of Fond du Lac, under an act entitled "an act to authorize the city of Fond du Lac to aid in the construction of plankroads," approved February 18th, 1854, are hereby authorized and empowered to issue to the holder or holders of said bonds, new bonds of said city, in payment of the interest and principal of the bonds issued under said act, as the same shall mature and become due.

When to be dated, and when payable.

SECTION 2. The bonds authorized to be issued by the first section of this act, shall be dated on the 1st day of March, 1864, and two thousand dollars of the amount of said bonds, so issued, shall be made payable in every year thereafter, on the 1st day of March of the year [years] 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875 [and] 1876, and the balance of said issue to be made payable on the 1st day of March, 1877; and the said bonds to be issued as aforesaid, shall bear the same rate of interest as those issued under the act mentioned in the first section of this act, or a less rate of interest, if the holder or holders of said first issue shall so elect; and said bonds hereby authorized to be issued, shall be made payable at such place or places as the said city council shall direct.

Interest.

Tax to pay interest.

SECTION 3. For the purpose of paying the interest and principal of the bonds herein authorized to be issued, as the same shall become due and payable, the said city council are hereby authorized and required to levy a tax or taxes, and collect the same as other taxes in said city are levied and collected, for city, county and state purposes.

SECTION 4. This act shall take effect and be in force immediately after its passage.

Approved March 27, 1863.

## CHAPTER 120.

[*Published April* 14, 1863.]

AN ACT supplementary to chapter 79 of the revised statutes, entitled "of railroads."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Acknowledgment and record of deeds of trust, &c., given by railroad companies.

SECTION 1. Any deed of trust or mortgage of any locomotives, tenders, cars or other property used or intended to be used as rolling stock or equipment, on any railroad in this state, and any discharge or satisfaction thereof, shall be acknowledged in such manner as would entitle a deed of real estate to be recorded, and shall be sufficiently recorded or filed, by filing a copy thereof in the office of the secretary of state; and a certificate of such filing, endorsed thereon by the secretary of state, shall be evidence thereof; and such deed of trust or mortgage shall be, and shall remain during the continuance thereof, valid and effectual as against the creditors of the company making the same, or subsequent purchasers, or mortgagees in good faith, without any further proceeding whatsoever.

Repeal.

SECTION 2. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 27, 1863.

## CHAPTER 121.

[*Published March* 31, 1863.]

AN ACT to legalize the proceedings of school district number 2, in the town of Eden, Fond du Lac county, Wisconsin.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Proceedings and tax legalized.

SECTION 1. All the proceedings of school district number two, in the town of Eden, Fond du Lac county, Wisconsin, at a special school district meeting, held

in said district on the seventh day of February, A. D. eighteen hundred and sixty-three, are hereby legalized, and the tax voted at said meeting is hereby declared as legal and valid as if all the conditions of law, in notifying and conducting said meeting, had been complied with.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 27, 1863.

## CHAPTER 122.

[*Published April* 14, 1863.]

AN ACT to amend the charter of the Platteville and Calamine railroad company.

(*See supplement to local laws.*)

## CHAPTER 123.

[*Published April* 14, 1863.]

AN ACT to provide for the satisfaction of mortgages in certain cases

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Any mortgage that has been made or executed by any person or persons, to any corporation, for the purpose of being used in whole or in part payment for subscription to the capital stock of such corporation, or made for the purpose of payment of such capital stock, in whole or in part, may be discharged of record by the circuit court of any county in which any such mortgage is recorded, in the manner provided in this act, on application of any person interested in the mortgaged premises.

Satisfaction of mortgages given for stock of corporations.

Proofs necessary.

SECTION 2. The circuit court of any county in which any such mortgage has been recorded, may make an order discharging such mortgage of record, on proof being made by affidavit or otherwise, to the satisfaction of the court, that such mortgage has not been delivered to, or accepted, or used by such corporation, or that such mortgage has been surrendered to the mortgagor or to any person or persons interested in the mortgaged premises; and it shall be the duty of the register of deeds of each county in which such mortgage is recorded, to receive and record such order, or a copy thereof, certified by the clerk, under the seal of the court; and such register shall make in the margin a reference to the record of such order or copy, and the record of such order or copy shall have the effect to completely discharge such mortgage of record.

Duty of register.

SECTION 3. This act shall take effect from and after its passage and publication.

IN SENATE, March 25, 1863.

Passed over governor's veto.

Received from the governor on the 18th inst., with his objections thereto, which were entered at length upon the journal, and the consideration thereof postponed until to-day, when, upon a reconsideration of the same, two-thirds of the members present agreed to pass said bill, by a vote, taken by yeas and nays, as follows: yeas, twenty-eight; nays, one.

F. M. STEWART, chief clerk of senate.

IN ASSEMBLY, March 26, 1863.

Received from the senate with the governor's objections thereto, and after reconsideration, approved by a two-third vote of the members present, taken by yeas and nays, as follows: yeas, eighty-five; nays, two.

JOHN S. DEAN, chief clerk of assembly.

# CHAPTER 124.

[*Published April* 9, 1863.]

AN ACT to revise, consolidate and amend the act to incorporate the city of Appleton, and the several acts amendatory thereof.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

## CHAPTER ONE.

### CITY AND WARD BOUNDARIES.

City of Appleton.

SECTION 1. All the district of country in the county of Outagamie, contained within the limits and boundaries hereinafter described, shall be a city by the name of Appleton, and the people now inhabiting, and those who shall hereafter inhabit, within the district of country herein described, shall be a municipal corporation, by the name of the city of Appleton, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and be contracted with, of suing and being sued, pleading and being impleaded, in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

Boundaries.

SECTION 2. The territory included within the following boundaries and limits, shall constitute the city of Appleton, to wit: All of sections twenty-five, (25,) twenty-six, (26,) and the S. half of section twenty-seven, (27,) and sections thirty-four, (34,) thirty-five, (35,) [and] thirty-six, (36,) in town twenty-one, (21,) north of range seventeen east.

Wards.

First.

SECTION 3. The said city shall be divided into four wards, as follows: The first ward shall be all that portion lying east and north of the following line: Commencing at a point on the north line of the city limits, due north of and opposite to the center of the northern extremity of Drew street; thence south to the northern extremity of Drew street; thence south along the centre of said Drew street to the south line of College avenue; thence east to the east line of block one, (1,) in Appleton plat; thence south to the center of

Fox river; thence along the center of said river to the city limits. The second ward shall be that portion lying east and north of the following line, and not included in the first ward: Commencing at a point in the north line of the corporate limits, due north of the northern extremity of North Division street, as marked on Stephens' lithographic map; thence along the center of said street, which is hereby named and established as Western avenue, and through the court house square to the center of Elm street; thence south along the center of Elm street to the center of Fox river; thence down the center of said Fox river to the southwest corner of said first ward. The third ward shall be and include all the remaining portion of territory, north of the center of Fox river, not included in the first and second ward [wards.] The fourth ward shall be and include all that portion of territory lying south of the center of Fox river, in the said city limits.

Second.

Third.

Fourth.

## CHAPTER TWO.

### ELECTIONS.

Annual election.

SECTION 1. The annual election for ward and city officers shall be held on the first Tuesday of April, of each year, at such place in such [each] ward as the common council shall designate, and the polls shall be kept open from nine o'clock in the forenoon till sundown, but the board may adjourn the polls at 12 o'clock, noon, for one hour; and ten days' previous notice shall be given by the common council of the time and place of holding such elections, and the city and ward officers to be elected.

Elective officers.

SECTION 2. The elective officers of said city shall be a mayor, clerk, treasurer, justice of the peace, and two aldermen for each ward, one assessor and one marshal for said city. All other officers necessary for the proper management of the affairs of said city, shall be appointed by the common council. All elective officers, except justice of the peace, shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and qualified: *provided, however*, the common council shall have power, for due cause, to expel any of their own number, and to remove from office any officer or agent under the city government, due notice being first given to the officers

Expulsion, removal, &c.

complained of. The justice of the peace shall hold his office for two years, and until his successor is elected and qualified.

Vacancies—how filled.

SECTION 3. Whenever a vacancy shall occur in the office of mayor or alderman, such vacancy shall be filled by a new election, which shall be ordered and held within ten days after such vacancy shall occur. Any vacancy happening in any other office, shall be filled by the common council. The person elected or appointed to fill any vacancy, shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Elections to be by ballot.

SECTION 4. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots, in the presence of the common council, at such time and in such manner as they shall direct.

Qualifications of voters.

SECTION 5. All persons entitled to vote for county officers, who shall reside within the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this law, and to hold any office thereby created.

Aldermen to be inspectors of elections.

SECTION 6. The election in said city shall be held and conducted by the aldermen of each ward, who, with one qualified elector, to be chosen *viva voce* by the electors present, shall be inspectors of elections, and shall take the usual oaths or affirmations, as prescribed by the general laws of this state to be taken by the judges and inspectors of elections, and shall have the power to appoint clerks of such elections, and to administer the necessary oaths. Said elections shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors thereof filled, as required by the laws of this state regarding elections.

Challenge.

SECTION 7. If either of the inspectors shall suspect that any person offering a vote does not possess the qualification [qualifications] of an elector, or if such vote be challenged by an elector, the inspector, before receiving the vote of any such, shall require him to

Oath.

take the following oath: "You do solemnly swear, (or affirm, as the case may be,) that you are twenty-one years of age, and that you are a citizen of the United States, (or have declared your intention to become a citizen, conformably to the laws of the United States on the subject of naturalization;) that you have resided within the state of Wisconsin one year next preceding this election; that you now reside in this ward, and that you have not voted at this election, and that you have made no bet or wager, or become directly or indirectly interested in any bet or wager depending on the result of this election;" and if the person offering to vote shall take such oath, his vote shall be received.

Punishment for false swearing.

And if such person shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof upon indictment, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall be liable to indictment, and on conviction thereof shall forfeit and pay a sum not exceeding one hundred dollars, nor less than twenty-five dollars.

Inspectors to keep list of names of persons challenged.

It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes; and if any inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of an election, or if any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect count and tallies of votes, each and every such inspector and clerk shall be liable to indictment, and on conviction thereof, shall severally forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars. All such indictments shall be tried in the circuit court of the county of Outagamie.

Returns of elections.

SECTION 8. When an election shall be closed, and the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors shall make a return thereof, stating therein the number of votes for each person, for each and every office; and shall deliver, or cause to be delivered, such returns to the city clerk within one week after any

election. The common council shall meet and canvass said returns and declare the result, as it appears from the same, and the city clerk shall forthwith give notice to each person elected of his respective election.

Special elections.

SECTION 9. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by inspectors provided for in section six of this chapter, in the same manner, and the returns thereof shall be made in the same form and manner, as general or annual elections, and within such time as may be prescribed by ordinance.

Council to fill vacancies.

SECTION 10. Any officer removing from the city, or any ward officer removing from the ward for which he was elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy, as hereinafter prescribed.

First election—what officers to be elected.

SECTION 11. There shall be elected at the first election under this act, one alderman for each ward, who shall hold his office for two years, and the alderman elected for two years at the last election under the former city charter, shall hold his office for the term for which he was elected.

One ballot.

SECTION 12. The votes for aldermen and all other elective officers, shall be on one ballot, and shall be deposited in one ballot-box.

Distinction.

SECTION 13. There shall be written or printed, or partly written or printed, at the head of the votes for alderman for two years, the words "alderman for two years," and at the head of the votes for alderman for one year, "alderman for one year."

Officers now in office.

SECTION 14. All the city and ward officers now in office shall hold their respective offices until their successors shall be elected or appointed under this act; and the term of every officer elected under this law, shall commence on the second Tuesday of April of the year for which he was elected, and shall, unless herein otherwise provided, continue for one year, and until his successor is elected and qualified.

Present council to perform certain duties.

SECTION 15. All duties herein required of the common council and aldermen, in regard to elections, shall be performed, so far as may be necessary, by the present common council and aldermen, in regard to the

first election and the organization of the city government under this law.

In case of failure to elect.

SECTION 16. Should there be a failure by the people to elect any officer herein required to be elected, on the day designated, the common council may order a new election to be held, ten days' notice of the time and place of holding the election being first given.

First election—justice.

SECTION 17. The first election of officers under the provisions of this act, shall be held on the first Tuesday of April, A. D. 1863. The election of the justice of the peace under this act, shall be held at the same time and place, and so every two years thereafter; and the justices of the peace now residing in that district of country constituted by this act as the city of Appleton, shall hold their offices until their terms of office expire, and their successor is elected and qualified.

No change of venue from prejudice.

SECTION 18. Neither the defendant nor his attorney, or other person on his behalf, shall have the right to remove any action, either civil or criminal, from the justice of the peace elected by virtue of this character, [charter,] on the grounds and for the reason that, from prejudice, such justice of the peace will not decide impartially in the matter.

When change may be taken.

SECTION 19. In case it shall be sufficiently proved to the satisfaction of said justice of the peace, that he is interested or has been counsel in any civil action pending before him, or that he is near of kin to either party, it shall be the duty of such justice of the peace to transmit immediately all the papers in the case to the circuit court for Outagamie county, which court shall try the action between the parties in the same manner as if the same had come into said court by appeal. And the plaintiff shall pay to such justice of the peace, on such removal, the sum of twenty-five cents for transmitting such papers, and the sum of one dollar for state tax; and the clerk of the said court shall receive and file the papers in such case.

When cause shall be tried by jury.

SECTION 20. If, after joining issue in any action pending before such justice, and before any witness is sworn therein, either party, his agent or attorney, shall make affidavit that such justice is a material witness for such party in such action, without whose testimony he cannot safely go to trial, and shall file the same with such justice, the party so making and filing such affidavit must, at the time of filing thereof, deposit with

such justice the sum of one dollar and fifty cents for jury fees. The said justice shall then cause a jury to be called and impanneled, as in other justice courts, and said action shall be tried by such jury, and the said justice shall render judgment therein on the verdict of such jury; and if said party require that said justice shall be sworn as a witness in such case, any person who, by the laws of this state, is authorized to administer oaths, shall administer the proper oath to such justice, who shall testify in the case, the same as other witnesses.

Additional costs.

SECTION 21. In all actions brought before such justice, wherein an issue shall be joined and a trial had thereon, there shall be allowed to the prevailing party two dollars for such trial, in addition to the costs now allowed in trials before justices of the peace; and the same shall be taxed in the bill of costs against the losing party.

## CHAPTER THREE.

### OFFICERS—THEIR POWERS AND DUTIES.

Oaths and bonds of officers.

SECTION 1. Every person elected or appointed to any office under the provisions of this act, except the justice of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the clerk of the city; and the treasurer, clerk, marshal, street commissioner, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city or Appleton a bond, with at least two sureties, who shall swear that they are worth, in the aggregate, the penalty specified in said bond, over and above all debts, exemptions and liabilities; and said bonds shall contain such penal sum and such conditions as the common council may deem proper; and they may, from time to time, require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

Mayor to preside.

SECTION 2. The mayor shall, when present, preside over the (*the*) meetings of the common council, and take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall, from time to time, give

the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be chief executive officer and head of the police of the city, and in case of a riot or other disturbances, he may appoint as many special or temporary constables as he may deem necessary. The mayor shall have a vote only in case of tie. The mayor shall have power to veto any ordinance or resolution passed by the common council, by notifying the common council of his objections thereto, at any time within seven days after the passage of such ordinance or resolution. In case of no session of the council in any day after the passage of the same, and before the expiration of said seven days, such notification shall be made by filing with the city clerk a copy of his objections. And in case the council shall not, at the next regular meeting after receipt of such objections, or such filing with the clerk, re-enact such ordinance or pass such resolution by the votes of two-thirds of the aldermen elect, the same shall be null and void. No ordinance or resolution shall take effect until one week after the passage of the same, unless approved by the mayor in writing.

To be chief of police.

To have power to veto.

Election of president—his duties.

SECTION 3. At the first meeting of the common council, each year, they shall proceed to elect, by ballot, one of their number president, and in the absence of the mayor, the said president shall preside over the meeting of the common council; and during the absence of the mayor from the city, or his inability, for any reason, to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor, except the signing of city orders. In case the mayor and president shall be absent at any meeting of the common council, they shall proceed to elect a temporary presiding officer, who for the time being shall discharge all the duties of the mayor. The president or temporary presiding officer, while presiding over the board or performing the duties of mayor, shall be styled acting mayor, and acts performed by them, or either of them, shall have the same force and validity as if performed by the mayor, except the signing of city orders. And the said common council shall also elect, at their first or second meeting after the charter elections, a marshal for the city, for the term of one year, and until another is elected and qualified.

President *pro tem.*

Marshal.

SECTION 4. The clerk shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend; and copies of all papers filed in his office, and transcripts from the records of the common council, certified by him under the corporate seal, shall be evidence in all courts, in like manner as if the original were produced. He shall draw and countersign all orders on the treasury in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof, in books provided for that purpose. He shall file in his office all chattel mortgages presented to him for that purpose, and safely keep the same, receiving therefor the same compensation as clerks of towns; and all chattel mortgages so filed shall be as valid and legal as if the same had been filed in the town clerk's office in any town. The clerk shall have power and authority to administer oaths and affirmations. Clerk—his duties.

SECTION 5. The justice of the peace elected under this act, shall have the same jurisdiction and perform all the duties of justices of the peace, and shall qualify in the same manner as provided by the general laws of this state, except that his official bond shall be approved by a majority of the common council; and in addition thereto, he shall have jurisdiction in all cases arising under the ordinances and laws passed by said city, unless therein otherwise provided. Jurisdiction of justice.

SECTION 6. The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city or the laws of this state. All moneys raised, received, recovered or collected by means of any tax, license, penalty, fine, forfeiture or otherwise, under the authority of this act, or which belongs [belong] to the said city, shall be paid into the city treasury, and shall not be drawn therefrom except by an order signed by the mayor, by order of the common council, and countersigned or attested by the clerk. He shall keep an accurate account of all moneys or other things coming into his hands as treasurer, in a book to be provided for that purpose, which shall remain the property of the city, wherein he shall note the time when and the person from whom the amount of the several sums was received, which books shall at all reasonable times be Treasurer—his duties.

open to the inspection of any person. He shall, as often as the common council require, render to said council a minute account of the receipts and expenditures of his office, and at the expiration of his office, he shall hand over to his successor all moneys, books, papers and property in his possession belonging to said city. The said treasurer shall also be a collector of taxes, and for this service, except as herein otherwise provided, he shall have the same powers and be subject to the same liabilities, and be governed by the same laws, as treasurers of towns.

Duties of marshal.

SECTION 7. The marshal shall perform such duties as shall be prescribed by the council, for the preservation of the public peace, and collection of license moneys and fines. He shall possess all the powers of constables of towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed, and when necessary in criminal cases, or for the violation of any ordinance of said city, or law of the state, may pursue and serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to remove all obstructions in the streets and alleys in said city, and to abate all nuisances in said city, to apprehend any person in the act of committing any offense against any ordinance of said city or laws of this state, and within reasonable time bring such person before competent authority for examination; and for such services he shall receive such fees as are allowed to constables for like services.

Deputies.

He shall have the power to appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties.

Further duties may be required of officers.

SECTION 8. The common council shall have power, from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by them, and to fix the salary of the clerk of said city. Such compensation shall be fixed by resolution, at the time the office is created, or at the commencement of the year, and

shall not be increased or diminished during the term such officer shall remain in office.

SECTION 9. The common council, at their first meeting in each year, or as soon thereafter as may be, shall designate one or more newspapers, printed in said city, in which shall be published all ordinances and other proceedings and matters required by this act, or by the by-laws or ordinances of the common council, to be published in a public newspaper. City printer.

SECTION 10. The city printer or printers, immediately after the publication of any notice, or ordinance, or resolution, which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or resolution. Affidavits of printer.

SECTION 11. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects of every description in his possession, belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver, and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state. Officers to deliver papers, &c., to successors—penalty.

SECTION 12. No alderman shall be a party to or interested in any job or contract with the city, or any of the wards, and any contract in which any alderman may be so interested, shall be null and void; and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid, from the parties to such contract, and the alderman interested in the same; and no compensation shall be allowed to the mayor or aldermen for their services, except for services as inspectors of elections. Aldermen to have no interest in contracts.

SECTION 13. The mayor or acting mayor, sheriff of Outagamie county, and each and every alderman, justice of the peace, marshal, policeman and watchman, shall be officers of the peace, and may command the peace, and suppress in a summary manner all rioting Peace officers.

and disorderly behavior within the limits of the city; and for such purpose may command the assistance of all bystanders, and if need be, of all citizens and military companies; and if any person, bystander, military officer or private shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars; and in case where the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct proceedings.

Surveyor.

SECTION 14. There may be elected by the common council a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe his duties and fix the fees and compensation for any service performed by him. All surveys, profiles, plans or estimates made by him for the city or either of the wards, shall be the property of said city, and shall be carefully preserved in the office of the surveyor, open to the inspection of parties interested; and the same, together with all books and papers appertaining to said office, shall be delivered over by the surveyor, at the expiration of his term of office, to his successor or the common council.

## CHAPTER FOUR.

### THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

Style of ordinances, &c.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "The mayor and common council of the city of Appleton do ordain," &c. The common council shall meet at such time and place as they by resolution shall direct. A majority of the aldermen shall constitute a quorum.

Stated and special meetings.

SECTION 2. The common council shall hold stated meetings, and the mayor may call special meetings, by notice to each of the members, to be served personally or left at their usual place [places] of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualifications of its own members, and have the power to compel the attendance of absent members.

SECTION 3. The common council shall have the management and control of the finances and of all the property of the city, and shall likewise, in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice, the prevention of crime, and for the benefit of trade, commerce and health thereof, as they shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinance, rules or by-laws; and such ordinance, rules and by-laws are hereby declared to be and have the force of law: *provided*, that they be not repugnant to the constitution and laws of the United States or of this state; and for these purposes, shall have authority by ordinances, resolutions or by-laws: Powers of council. Proviso.

1st. To license and regulate the exhibitions of common showmen, or shows of any kind, or the exhibitions of caravans, circusses or theatrical performances, billiard tables, bowling saloons, and to provide for the abatement and removal of all nuisances under the ordinances or at common law; and to grant licenses to such persons as they may deem proper to keep groceries, saloons, taverns and victualing houses, wherever may be sold strong, spirituous, ardent or intoxicating liquors to be drank on the premises, in a quantity less than one gallon, under such regulations, conditions and restrictions as they may deem expedient: *provided*, that such license shall not be less than twenty-five dollars nor more than seventy-five dollars a year, and that no license shall be granted for a less term than one year. Licenses. Rates of liquor licenses.

2d. To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gaming, in said city, and to restrain any person from vending, giving or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council. Gambling.

3d. To prevent any riots, noise, disturbances or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to au- Riots, &c.

thorize the destruction of all instruments used for the purpose of gaming.

Abate filthy places.

4th. To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap-factory, tannery, stable, barn, privy, sewer or other unwholesome, nauseous house or place, to cleanse, remove or abate the same, from time to time, as aften as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Slaughter houses and gunpowder.

5th. To direct the location and management of slaughter-houses and markets, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of gunpowder or other combustible materials.

Encumbering streets, &c.

6th. To prevent the encumbering of the streets, sidewalks, lanes or alleys with railroad cars, locomotives, engine or engines, carriages, carts, wagons, sleighs, boxes, lumber, firewood or any other materials or substances whatever.

Racing and bathing.

7th. To prevent horse racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Animals.

8th. To restrain the running at large of cattle, horses, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same.

Dogs.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to (*the*) ordinance.

Putrid animal matters.

10th. To prevent any person from bringing, depositing or having within said city any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, putrid or unsound beef, pork, fish, hides or skins of any kind; and on default, to authorize the removal thereof by some competent officer, at the expense of such person or persons.

Pounds, water-works, hacks, lamps, &c.

11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water-works for the supply of water to the inhabitants, to erect lamps, and regulate and license hacks, cabs, drays, carts, and charges of hackmen, cabmen, draymen and cartmen in the city, and to provide for lighting the streets, public grounds and public buildings with gas or otherwise.

12th. To establish and regulate boards of health, provide hospital and cemetery grounds, regulate the burial of the dead, and the return of (*the*) bills of mortality, and exempt burial grounds set apart for public use from taxation. Public health and burial of dead.

13th. To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto. Bread.

14th. To prevent all persons riding or driving any ox, mule, cattle or other animal on the side-walks in said city, or in any way doing any damage to such sidewalks. Driving on sidewalk, &c.

15th. To prevent the shooting of firearms or crackers, and to prevent the exhibition of any fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying any citizen thereof. Firearms, fireworks, &c.

16th. To restrain drunkenness or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. Drunkenness, obscenity, &c.

17th. To restrain and regulate runners and solicitors for boats, vessels, stages, public houses or other establishments, and to establish and regulate the police of the city. Runners.

18th. To establish public markets and make rules and regulations for the government of the same, to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations. Markets, &c.

19th. To license and regulate butchers' stalls, shops and stands for the sale of game, poultrey, [poultry,] butchers' meat, butter, fish and other provisions. Butchers' stalls, &c.

20th. To regulate the place and manner of weighing and selling of hay, and measuring and selling fuel and lime, and to appoint suitable persons to superintend and conduct the same. Hay, fuel, &c.

21st. To compel the owners and occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in his default, to authorize the removal or destruction thereof by some Clearing sidewalks.

officer of the city, at the expense of such owner or occupant.

Piers, &c. 22d. To regulate the construction of piers or wharves extending into Fox river, within the limits of said city, and to prescribe and control the prices to be charged for pierage and wharfage thereon.

Contageous diseases. 23d. To regulate, control and prevent the landing of persons from boats or vessels, wherein are contagious or infectious diseases or disorders, and to make such dispositions [disposition] of such persons as to preserve the health of said city.

Auctions. 24th. To regulate the time, place and manner of holding public auctions or vendues.

Watchmen. 25th. To appoint watchman [watchmen] and prescribe their duties.

Weights, &c. 26th. To provide by ordinances for a standard of weights and meassures, [measures,] and for punishment of the use of false weights and measures.

Shade trees. 27th. To protect trees and monuments in said city.

Drainage. 28th. To prescribe and regulate the manner of draining fountains made by individuals, and the construction of sewers within said city.

Streets, &c. 29th. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes, alleys, and to keep them free from encumbrances and protect them from injury.

Change names of streets. 30th. To alter or change the name of any street in the city.

Alter or vacate. 31st. To alter or vacate the recorded plat of said city or any part thereof surveyed, platted or recorded in the office of the register of deeds of Outagamie county, upon (*upon*) petition, and upon such notice as is required in vacating towns in the circuit court.

Filth, &c., in Fox river. 32d. To prevent the throwing or depositing in Fox river of any filthy or putrid substance, or of any slabs, chips, shavings or other substance.

Ordinances, &c., to be published. SECTION 4. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall be published in the official paper or papers of said city, before the same shall be in force; and within fifteen days thereafter, they shall be recorded by the city clerk in books to be provided for that purpose; but before any of the said laws, ordinances, regulations or by-laws shall be recorded, the

Affidavits of publication.

publication thereof, respectively, within the said time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication. No appropriation shall be made without a vote of a majority of the members of the common council in its favor, which vote shall be taken by ayes and noes, and entered among the proceedings of the council.

In relation to nuisances.

SECTION 5. The powers confered [conferred] upon the said council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind, wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirtuous, [spirituous,] vinous or fermented liquors are sold without the license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

Council to audit accounts of officers.

SECTION 6. The council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner of each ward, marshal, and all other officers and agents of the city, at such times as they may deem proper, and also, at the end of each year, and before the time for which the officers of the said city are elected or appointed shall have expired. And the common council shall require each and every such officer and agent to exhibit his book, funds and moneys, accounts and vouchers, for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books, funds, moneys and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant. And the common council shall order suits and proceedings at law against any officer and agent of said city who may be found delinquents [delinquent] or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

Refusal to have accounts audited.

Establish dock lines, &c.

SECTION 7. The common council shall have power, by ordinance, to establish wharf and dock lines upon the banks of Fox river, restrain and prevent encroachment upon said river, and obstructions thereto; and to construct, alter and maintain, or cause to be constructed, altered and maintained, at the expense of the city, or any of the wards, wharves along the banks of the said river.

Council may investigate acts of mayor, &c.

SECTION 8. The common council shall have authority to examine into and investigate all and every official act and transaction of the mayor, any member of the common council, or any other officer of the said city, and also in and to all and every official act and transaction of every person who has heretofore been a member of the common council, or held any office under the city government; and for that purpose, the mayor of said city, the president of the council, or any member of any committe [committee] appointed by the council, shall have power to administer all necessary oaths to persons who may be called before said council, or any such committee, to give testimony. And the mayor of said city, (or the president of the council,) is authorized and empowered to issue a subpœna to be by him signed, commanding any person to appear before the council, or any committe [committee] appointed to testify concerning any matter under examination or investigation, as above provided, and also to produce before the council or such committee, any books, papers or documents relating to the matter under investigation and examination; and every person served with such process is hereby required to obey the same without the prepayment of any fees.

Contempt—punishment.

SECTION 9. If any person shall neglect or refuse to appear and testify and produce such papers, documents and books, as required by the last above named section, the common council may declare him in contempt, and upon proof of service, it shall be the duty of the county judge of Outagamie county, or the judge of every court of record, or any court commissioner of said Outagamie county, upon the application of the mayor of said city, or the president of the council, or of any committe [committee] appointed by such council, to issue a summary process, either in term time or vacation, for such a person, and to bring him before him; and then, unless such person shall purge himself

of contempt and go before the council or such committe, [committee,] and testify and produce such documents or papers or books, to commit him to the common jail of said Outagamie county, there to remain in close confinement untill [until] he shall so testify or produce the books, documents or papers as required, or he is discharged by the order of the common council or any such committe, [committee,] and the jailor of such county is hereby required to secure any such person pursuant to any such commitment.

SECTION 10. Such examination and investigation may be had, done and taken by the common council when in session, or by a committe [committee] to be appointed by the council, who are authorized to perform such duties when the council is not in session. **How examination may be had.**

SECTION 11. Any admission which any person shall make when testifying before any such committee or the council, shall not be used againt him as evidence in any civil or criminal suit. **Evidence.**

## CHAPTER FIVE.

### FINANCES AND TAXATION.

SECTION 1. All funds in the treasury, except school, state and county funds, and the special funds for street improvements, as provided for in section seven, chapter seven, of this act, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council; and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable, generally, out of any funds in the treasury belonging to the city. **Council to manage funds.**

SECTION 2. The common council of said city shall annually levy upon the taxable property of such city, to defray the current expenses of said city, as follows: For the support of the poor, a tax not exceeding one thousand dollars; for ward purposes, a tax not exceeding one-fourth of one per cent. upon all the taxable property of each ward, and for all other purposes a tax not exceeding four thousand dollars. **Annual tax—limit.**

SECTION 3. Whenever it shall be necessary to build new bridges, a special tax may be levied for such purposes, not exceeding two thousand dollars in any one year, and when so levied the same shall be carried out **Special tax—limit.**

by the city clerk in a separate column in the assessment roll, particularly specifying the purpose for which such tax is levied, and the said taxes, when so levied, shall be collected at the same time as other city taxes are collected.

Aldermen to certify ward indebtedness.

SECTION 4. The alderman of any ward shall certify to the council any debts contracted by such ward for the current year, and thereupon the said council shall (if such debt be a proper claim against said ward) allow such debt, and direct the mayor and clerk to issue to the proper person orders of the city to the amount of the debt allowed: *provided*, that said council shall in no case allow any such debt, if such allowance will cause the whole amount of orders issued to meet the indebtedness of such ward, to exceed the amount of tax which may be levied and collected under the provisions of this chapter, to meet the expenses of the current year, assuming as a basis the tax-list of such year, if then made out, and if not, then the tax-list of the preceeding [preceding] year.

Proviso.

Ward debt not to exceed tax, &c.

SECTION 5. No alderman of any ward shall contract debts against such ward, in any one year, to an amount greater than the amount of tax which, under the provisions of this chapter, may be levied in such ward to meet the current expenses of the year. And if any alderman shall so contract debts to a greater amount than such tax, neither such ward nor the city shall be liable for the same, but the alderman so contracting shall be liable therefor, as if the debt had originally been contracted by such alderman personally: *provided*, that no alderman shall be held liable as aforesaid, without proof of his assent, as alderman, to the contracting of the liability or debt by the ward.

Proviso.

Verification of accounts.

SECTION 6. No account shall be allowed by the common council, unless the same is verified by the owner thereof, or some person in his behalf, which verification shall be substantially as follows: "I, ——— ———, being duly sworn, depose and say, the above account is just and true, and the same has not been paid or any part thereof, and that the same accrued by the order of ——— ———.

"Subscribed and sworn to before me, this — day of ———, A. D. ———."

Accounts to be presented within one year.

SECTION 7. All accounts accruing against the city of Appleton, shall be presented for allowance to the

common council within one year from the time the same accrued, and if the same is not so presented within one year, the same shall not be allowed by the common council or collected in any court.

Assessor.

SECTION 8. The assessor elected by virtue of this act shall, in all things pertaining to his office, so far as practicable, be governed by the same laws as assessors in towns, except as soon as he has completed his assessment rolls, [roll,] he shall return it to the city clerk.

Assessment roll —equalization.

SECTION 9. It shall be the duty of the clerk, annually upon the receipt of the assessment roll, to lay the same before the common council for their consideration; and the said common council shall be a board of equalisers, and, if they deem it necessary, may make such amendments, corrections or alterations as will produce an equality of assessment, agreeable [agreeably] to the true or comparative value of or between the several lands and portions of property; and when so equalized, the common council may at any time thereafter proceed to levy upon the whole amount of such assessment, as corrected and equalized, such a per centage as a majority of the board shall be deemed [shall deem] necessary for all corporation purposes for the year in which it was made, under the restriction contained in this act.

Board of equalization.

SECTION 10. The mayor and city clerk with [the aldermen of each ward] and the assessor, shall constitute the city board of equalization, and shall meet at the office of the common council on the first Monday of July, each and every year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards are required to proceed, so far as the same are applicable, reviewing, correcting and equalizing the assessment rolls of the several wards in the city, in the order of their numbers. The mayor shall be president of the board of equalization, and the city clerk the clerk thereof.

Changes in assessment roll.

SECTION 11. All changes of assessment rolls by the board of equalization, shall be duly recorded by the city clerk.

Taxes a lien on lands.

SECTION 12. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and upon all personal property of any person or body politic, assessed for personal taxes, from the delivery of the warrant for the collection thereof until

such tax shall be paid; and no sale or transfer of such real or personal estate shall effect [affect] said lien. Any personal property belonging to the person taxed, may be taken and sold for the payment of taxes upon personal property.

Tax-list to be copied.

SECTION 13. As soon as said tax shall be levied, the city clerk shall cause the same to be copied in a book provided for that purpose, setting opposite to each tract of land, and to each person named, under proper column, such sum or sums as may be levied upon such lot or against such person. The said copy shall be designated as the "tax-list," and to it shall be appended a warrant signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments in said list specified, in the manner prescribed by this act.

Treasurer's warrant.

To be certified, &c.

SECTION 14. Such tax-list, before being delivered to the treasurer, shall be compared by the clerk with the assessment roll as confirmed. To it he shall append his certificate that the same has been so compared by him, and that the said assessment roll, and the whole thereof, has been copied into such tax-list; and the said tax-list when so certified, shall be *prima facie* evidence in any court that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

Collection of taxes.

SECTION 15. All the general laws of this state which are now or may hereafter be in force relative to the assessment and collection of taxes, shall be in force in said city, except as otherwise herein specially provided; and the city treasurer shall proceed to collect the taxes and all assessments of said city at the same time and in the same manner as is required by law of the town treasurers to collect taxes; and all unpaid taxes and assessments shall, in like manner, be returned to and collected by the county treasurer; but the five per cent. included in said return, as collection fees, shall, when collected, be paid over to the city treasurer, and the said city treasurer shall place the same, when so paid, in the general fund of the city, for the benefit of the city. The city treasurer shall be entitled to receive, charge and collect, as fees for the collection of taxes and assessments, two per cent. upon all taxes and assessments collected by or paid to him prior to the

Fees.

first day of January, in each year, and five per cent. upon all taxes and assessments paid to or collected by him after the said first day of January and before his return to the county treasurer. The city treasurer shall, upon the receipt of the tax-list, publish a notice in the official paper of the city, (if any there be, if not, then in some paper of the city, if there is any published in the city,) specifying that all taxes and assessments, whether upon real or personal property in said tax-list, shall be paid on or before the last day of December, of said year, and that all taxes and assessments not paid by that day will be collected by the seizure and sale of the goods and chattles [chattels] of the person, company or corporation charged with such taxes and assessments; and the publication of such notice shall be deemed and taken to be a demand, and failure to pay the taxes and assessments within the time limited in such notice, shall be deemed a refusal to pay the same.

Notice to be published—what to specify.

SECTION 16. The city treasurer shall keep in a book to be provided for that purpose, a true account and statement of all fees by him received as city treasurer from any source whatsoever; and when the amount thereof shall reach the sum of three hundred dollars, all sums by him received over and above that amount shall be paid by him into the general fund of said city, for the benefit of the city; and such books shall at all times be open for inspection by the mayor or common council, or to any committee appointed by the common council; and the said city treasurer, when required by the common council, shall make a report, under oath, of all the fees by him received as such city treasurer.

Record of receipts.

SECTION 17. If at any sale of personal estate for taxes or assessments, no bids shall be made for any goods and chattels, the same shall be struck off to the city, and thereupon the city shall receive, in the [its] corporate name, a certificate for the sale thereof, and shall be vested with the same rights as other purchasers. If the city shall become the purchaser of (*the*) personal property by virtue of this chapter, the treasurer shall have the power to sell the same at public sale.

Sales to the city for taxes.

SECTION 18. If it shall appear to the assessors that any lot or parcel of land was omitted in the assessment roll of either or both of the two preceding years,

Tax on lands omitted.

and that the same was then liable to taxation, they shall, in addition to the assessment for that year, assess upon the lot or tract so omitted, for such year or years that it shall have been so omitted, the just value thereof, noting the year when such omission occurred; and such assessment shall have the same force and effect as it would have had, if made the year when the same was omitted; and the common council shall direct, in addition to the tax for the current year, such tax to be levied upon such lot or tract as the same would have been chargeable with, had not the same been so omitted; and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted, in whosoever hands they may have come. Should the taxes or assessment upon any parcel of land be set aside or declared void, by reason of any defect or informality in the assessing, levying, selling or conveying the same, but not affecting the equity and justice of the tax itself, the common council shall cause the tax or assessment so set aside or declared void, to be relevied in such manner as they shall by ordinance direct: *provided*, that if the defect was in the assessment, the same shall be again assessed at such time as the common council shall direct; and the said tax or assessment so reassessed or relieved, [relevied,] shall be and continue a lien upon said lot or tract, and shall be collected as other taxes and assessments are collected under this act.

**Reassessment.**

**Bonds—amount of taxes—liability.**

SECTION 19. The common council of said city shall not have power to issue any bonds or other evidences of debt payable at a day subsequent to the date of the issue thereof, except in cases specially authorized by law, nor shall the common council issue in any one year, orders upon the city treasurer to an amount greater than the amount of taxes which may be levied under the provisions of this act; and in case a greater amount of orders shall be issued than is herein provided, the members of said common council shall be personally liable therefor, and the amount of such excess may be collected of them, or any of them, by any person holding such orders, in any court of competent jurisdiction: *provided*, that no member of said council shall be held liable as aforesaid, without proof of his assent to the issue of such excess or [of] orders.

SECTION 20. Whenever the taxes either upon personal or real property shall not be paid by the fifteenth day of January, of any year, the treasurer may issue his warrant, directed to the city marshal, commanding him to collect such unpaid taxes; and for such purpose the city marshal shall have all the powers and be subject to the same liabilities, and be entitled to the same compensation, as is now provided by the charter of said city; and the said warrant, when so issued, shall be returnable before the expiration of the time allowed by law to the said treasurer for the collection of said taxes.

**When warrant may issue to marshal.**

SECTION 21. All the direction [directions] hereby given for the assessing of lands and the levying and collection of taxes and assessments, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment.

**Errors shall not vitiate, &c.**

SECTION 22. No person shall be permitted to institute any proceedings to set aside any assessment or special tax hereafter levied or assessed upon any lot or tract of land, or to set aside or to set up or interpose any objections to the title derived by virtue of any deed executed in consequence of the non-payment of such taxes and of the sale of the premises therefor, unless such person shall first pay or tender to the proper party, or deposit for his use, with the treasurer, the amount of all state, county and city taxes that may remain unpaid upon such lot or tract, together with the interest and charges thereon.

**Setting aside of assessments.**

SECTION 23. Before the annual meeting of the board of supervisors of the county of Outagamie, in the fall, it shall be the duty of the city clerk to cause a copy of the assessment roll of said city, for such year, to be transmitted to the clerk of the board of supervisors, who shall lay the same before the board of supervisors at their meeting.

**Clerk to lay assessment roll before county board.**

SECTION 24. The board of supervisors shall have the right of equalizing the assessment rolls of the towns in said county and of said city, as provided by law; but in such equalization shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuation of the different wards.

**Board not to change relative valuation of the wards.**

May levy tax.

SECTION 25. The said board of supervisors may levy a tax, as now provided by law, but shall therein proceed without regard to the devision [division] of the city into wards, and shall cause the amount of taxes to be levied and the purposes to be certified to the city clerk, in the manner provided by the general laws of this state; and the said clerk shall make out a tax-list for that purpose, seperate [separate] from the tax-list for city purposes, and shall deliver the same to the city treasurer, as provided by law.

Treasurer's duties.

SECTION 26. The treasurer of the city in collecting such tax and making his return to the county treasurer, and in all other respects, shall conform to the general laws of the state, except that the return to the county treasurer shall be for the city and not for the wards.

Collection of taxes on personal property.

SECTION 27. In case the city treasurer is unable to collect any tax assessed upon any personal property, and payable by any person named in this tax-list, he shall proceed in all things according to chapter 18 of the revised statutes of this state, and the acts amendatory thereto, in bringing such delinquent person before some justice of the peace, and such proceedings shall be had as is provided by said chapter 18, and as is prescribed by chapter 198 of the general laws of 1860, and any act that may be hereafter passed amendatory to said acts, or in addition thereto.

## CHAPTER SIX.

### OPENING OF STREETS AND ALLEYS, ETC.

Laying out public grounds, streets, &c.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same, as follows: Whenever ten or more freeholders, residing in any ward, shall, by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside, for public use, for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging or widning [widening] the same, the courses and distances, metes and bounds, of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, to be st [set] forth in each [such] petition, the common council shall thereupon cause notice of such

application to be given to the occupant or occupants of such lands, if any there be, or if any portion of said lands shall not be in actual occupation of any person, then the common council shall cause such notice, describing, as near as may be, the premises proposed to be taken, to be published in the official paper or papers four weeks, at least once in each week.

What notice to state.

SECTION 2. Such notice shall state that upon a day therein to be named, not less than ten days from the service of such notice or the expiration of such publication, as the case may be, application will be made to the county judge, or a court commissioner for the county of Outagamie, for the appointment of twelve jurors to view said premises, and to determine whether it will be necessary to take the same for the purposes specified in said petition, and to determine the amount of damages to be paid to the owner or owners of the property determined to be taken, and also to ascertain and determine what lands will be benefitted [benefited] by such taking, and to assess such damages upon the real estate benefited, in proportion to the benefits resulting thereto.

Precept to jury.

SECTION 3. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said judge or court commissioner shall thereupon appoint twelve reputable freeholders, residents of said city, but not residents of the ward in which said premises may lie, nor interested in the result of such application. The said judge or court commissioner shall thereupon issue his precept, directed to said jurors, requiring them, within ten days, to view the premises to be specified in said precept, and to make a return under their hands to the common council, whether in their judgment it is necessary to take said premises for the purpose specified in said application, and also to make return of the amount of damages to be paid to the owner or owners, respectively, of the property to be taken, and of the amount assessed upon the real estate benefitted, [benefited,] in proportion to the benefit resulting thereto.

Service of precept.

SECTION 4. The city marshal shall serve this precept immediately on the jurors therein named, by reading the same to every one of them that can be found, and immediately after such service, he shall return the said precept to the judge or court commissioner who issued the same, together with his doings thereon.

Substitution.

SECTION 5. If any of the jurors so appointed cannot be found, or shall be disqualified from acting, or shall refuse to act, the judge or court commissioner shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept.

Oath to jurors.

SECTION 6. The said judge or court commissioner shall thereupon administer an oath to said jurors, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trusts reposed in them.

Jurors to view premises.

SECTION 7. The said jurors shall, at such time as they shall agree upon, proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors; and either of the jurors shall be authorized to administer the necessary oaths to the witnesses. After viewing the premises in question and hearing such testimony as may [be] offered, the jurors shall make a report of their proceedings, which shall be signed by them, respectively, and which shall state whether, in their (*their*) judgment, it is necessary to take the premises in question for the public use; and in case they find it is necessary to take said premiees, they shall further report the assessment and appraisal made by them, pursuant to the provisions of this charter, which said report, testimony and precept shall be returned to the common council within the time limited in said precept.

To make report.

To strike a balance.

SECTION 8. If the damage to any person be greater than the benefits received, or the benifit [benefit] be greater than the damages, in either case the jurors shall strike a balance and carry the diffrence [difference] forward to another colum, [column,] so that the assessment will show what amount is to be received or paid by such owner or owners, respectively, and the differance [difference] only shall, in any case, be collectable of them or payable to them.

Jurors' award in certain cases.

SECTION 9. If the lands or buildings belong to different persons, or if the land be subject to lease, judgement [judgment] or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such person or interests, respectively, may be awarded to them by the jurors, less the benefits resulting to them, respectively, from the proposed improvements.

SECTION 10. Any person whose property is taken, or against whom assessment is made, may, within ten days from the return of the jurors to the common council, appeal from said assessment of damages or benefits to the circuit court of Outagame county, where such appeal shall be tried by the court and jury, as in ordinary cases. The common council shall have the same right of appeal. Such appeal and all proceedings thereon shall be, as far as practicable, in accordance with the law regulating appeals from justices' courts. Appeal.

SECTION 11. The land required to be taken for the purposes mentioned in this act, shall not be appropriated until the damages awarded therefor to the owner thereof shall be paid or tendered to the owner or his agent, or in case the said owner or agent cannot be found or is unknown, deposited to his or their credit with the clerk of the circuit court of Outagamie county; and then, and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys and public grounds heretofore opened or laid out. Lands not to be taken until damages are tendered, &c.

SECTION 12. The damages assessed shall be paid or tendered, or deposited as herein required, within one year from the confirmation of such assessment and report, and if not so paid, tendered or deposited, all the proceedings in any such case shall be void. The benefits so assessed, from the confirmation of said report, shall become and remain a lien upon the premises so determined by the jurors to be benefitted [benefited] by the opening or widening of such street, alley or public ground. Damages—when paid, &c. Lien.

SECTION 13. It shall be lawful for any person to pay or tender, or deposit, as herein required, at any time within one year from the confirmation of such assessment and report, the damages assessed in any such case; and whenever proper vouchers and evidence are filed with the city clerk that said damages have been so paid, tendered or deposited by any person, it shall be the duty of the common council to enter an order among their proceedings, to take and appropriate such lands for the purpose required, and also to order the collection of the benefits as aforesaid upon the premises so determined by the jurors to be benefitted [benefited] by the opening or widening of such street, alley or public Filing of vouchers with clerk that damages have been paid, &c.

ground, for the sole use and benefit of the persons who have so paid said damages; the sum [same] to be collected in the same manner as other taxes on real estate are collected by virtue of this act.

Lands under lease.

SECTION 14. When the whole of any lot or tract of land, or other premises, under lease or other contract, shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant or any other contracting parties, touching the same, or any part thereof, shall, upon the confirmation of such report, respectively, cease and be absolutely discharged.

Ibid.

SECTION 15. When only part of a lot or tract of land or other premises so under lease or other contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon the confirmation of such report, shall be absolutely discharged, as to the part thereof taken, but shall remain valid as to the residue thereof; and the rents, considerations and payments reservered, [reserved,] payable and to be paid for or in respect to the same, shall be so proportioned so that the part thereof justly and equitabelly [equitably] payable for such residue thereof, and no more, shall be paid or recoverable for, in respect to the same.

Proceedings when owner is a minor.

SECTION 16. When any known owner of lands or tenements affected by any proceedings under this act, shall be an infant, or labor under legal disability, the judge of the circuit court of Outagamie county, or in his absence, the judge of any court of record in said county, may, upon the application of the common council, or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian.

Survey and profile.

SECTION 17. Whenever any public ground, street or alley shall be laid out, widened or enlarged under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

## CHAPTER SEVEN.

### CITY IMPROVEMENTS.

Street commissioner.

SECTION 1. The common council shall, at their first regular meeting after the annual charter election, appoint some suitable person to be street commissioner of

said city, who shall hold his office for one year, and until his successor is appointed and qualified, unless sooner removed for cause by the council. He shall make report, in detail, to the common council, of his acts and doings, whenever required, and at the expiration of each year, before his term of office shall expire, shall submit all his acts and doings, books, records, papers, accounts, receipts and vouchers, to the common council, for final settlement and adjustment.

Report, &c.

SECTION 2. The said street commissioner shall have power to order and contract for the making, grading, repairing and cleaning of streets, alleys, public grounds, reservoirs, gutters and sewers, within said city, and to direct and control the persons employed therein. Wherever the street commissioner shall deem it necessary to construct or repair any side-walk, he shall direct the owner or occupant of any lot adjoining such sidewalk to make or repair the same, at his own proper cost and charge. If such work is not done in the manner and in the time prescribed, the commissioners [commissioner] shall cause the same to be done at the expense of the lots adjoining such sidewalk. The street commissioner shall not have power to make and grade in the several wards of the city any street, alley, public grounds, reservoirs, gutters or sewers, or to construct any sidewalks, unless the same shall have been first duly authorized by ordinance of the common council of said city: *provided*, nothing herein shall be so construed as to prohibit such street commissioner from making or causing to be made all necessary repairs to any sidewalk, street, alley, public grounds, reservoirs, gutter or sewer. Hereafter, no special improvements shall be ordered by the common council exceeding in estimated cost the sum of two hundred dollars, unless the owners of more than one-half of the land to be taxed for such improvement, shall petition, in writing, for the same, or unless the same shall be ordered by a vote of three-fourths of all the aldermen elect. If the common council order any special improvement to be made, or pass any ordinance or resolution requiring any special improvement to be done, the vote therefor of the aldermen shall be taken by yeas and nays, and entered upon the journal of the proceedings of the said council; and no special improvement shall be valid or binding unless said vote be so taken and entered upon the journal.

May contract, &c.

Sidewalks.

Grade, &c, must be authorized by ordinance.

When special improvements must be petitioned for.

Expenses of surveying—how paid.

SECTION 3. The cost and expense of surveying streets, alleys, sidewalks, sewers, and of estimating work thereon, and of constructing and repairing reservoiers [reservoirs] and sewers, shall be chargeable to and payable out of the fund of the proper ward. Opening, grading, graveling, planking or paving streets and alleys to the center thereof, shall be chargeable and payable by the lot [lots] fronting on such street or alley. Sewers may be ordered by the street commissioners, [commissioner,] and built at the expense of the lots or parcels of land benefitted [benefited] thereby, which shall be apportioned among said lots or parcels of land by the street commissioner, with the assistance of the city surveyor: *provided, however*, that where sewers are constructed through alleys, no lots shall be assessed therefor, except those situated in the block or blocks through which said sewers may be constructed; and where sewers are constructed through streets, no lot shall be assessed therefor except those situated in the blocks fronting on such streets; *and provided further*, that in all cases where improvements or work of any kind are charged by virtue of this section upon lots benefited, all such improvements across streets, alleys and public grounds shall be made and paid for out of the fund of the proper ward, in proportion to the width of the street, alley or public ground.

Provisos.

Estimate of expenses to be filed.

SECTION 4. Whenever the commissioner shall determine to make any public improvement, as authorized by sections three and four [two and three] of this chapter, he shall cause to be made an estimate of the whole expences [expenses] thereof, and of the proportion to be assessed and charged to each lot, and in case of grading streets, alleys or sidewalks, of the number of cubic yards to be filled in or to be excavated in front of each lot; and such estimate shall be filed with the city clerk for the inspection of the parties interested.

Publication of notice to lot owners.

The street commissioner shall give notice personally or by advertisement in the official paper or papers bublished [published] in the city of Appleton, to the owners or occupants of the lots or parcels of land fronting on any streets, alley or sidewalk ordered to be graded, graveled, planked or paved, requiring them to do the work mentioned in such notice within a reasonable time therein to be specified; and if the said work shall not be done within such time, the said com-

missioner shall enter into contract for the doing thereof.

SECTION 5. Whenever the general interest of the city or ward requires deep cutting or extraordinary filling of any street, and the owners of the lots or lands fronting on such deep cutting or filling shall deem themselves aggrieved thereby, and shall, within fifteen days after the service or first publication of the notice requiring the improvement to be made, represent to the commissioner, in writing, that the expense of such excavation or filling will exceed the benefit the same will be to the property assessed therefor, the street commissioner shall report the same to the common council, who, or a majority of them, shall examine the premises; and if in their opinion the costs of such work shall exceed the benefit derived therefrom, it shall be their duty to determine in writing, subscribed by them, and preserved with the records of said city, what portion of such work shall be chargeable to such lots or parcels of land, and how much or what portion shall be chargeable to the ward fund; and such proportion as shall be reported as properly chargeable to the lots or parcels aforesaid, shall be assessed upon the same, and levied and collected as other taxes and assessments, and the remainder shall be paid out of the war fund: *provided, however*, any party feeling himself aggrieved by the determination of the common council, may, within ten days from the date thereof, appeal to the circuit court, as hereinbefore provided.

Excavation, &c.

Remonstrance.

Council to examine premises, &c.

Appeal.

SECTION 6. The street commissioner shall give notice to all owners or occupants of lots which may be deemed injurious to health, by reason of stagnant water remaining thereon, to abate such nuisance, by draining or filling such lots, within a reasonable time therein to be specified; and if such nuisance shall not be abated or removed within the time so specified, the street commissioner shall cause the same to be abated or removed, at the expense of the property upon which the same may exist.

Notice to owners to abate nuisances.

SECTION 7. After the completion and performance of any contracts entered into by the street commissioners [commissioner] for work chargeable to lots or lands, by virtue of this act, he shall give to the contractor or contractors a certificate, under his hand, stating therein the amount of work done by such contractor, the nature

Commissioners' certificates for work done.

thereof, and the description of the lot or parcel of land upon which the same is chargeable, which said certificate may be transferred by endorsement thereon; and if the amount thereof shall not be paid before the time of making out the annual assessment roll, the same shall be assessed upon the said lots or parcels of land, respectively, and collected for the use and benefit of the holder of such certificate, as other taxes on real estate are collected by virtue of this act; and if the notice to do the work required shall have been given as herein provided, no informality or errors in the proceedings shall vitiate such assessment: *provided*, that in no event where work is ordered to be done at the expense of any lot or parcel of land, shall either the city or any ward be held responsible for the payment thereof.

When city or ward not responsible.

Cleaning and repairing streets, &c.

SECTION 8. The street commissioner is hereby authorized to require, by such general regulations as he may chose to adopt, and as the common council may approve, the owners or occupants of lots to clense [cleanse] and repair the sidewalks, streets and alleys, and to employ any person or persons whose duty it shall be, to make repairs and cleanse such streets, alleys and sidewalks. Whenever such regulations shall not have been complied with, at some period prior to the time of the delivery of the tax-list to the treasurer, under the charter, it shall be the duty of the street commissioner to make a report to the city clerk of the amount of tax properly chargeable against each lot for work done under this section, for any period not exceeding one year prior to such report, and such amount shall be a lien upon such lots, and be levied thereon as a special tax, with all the legal consequences both as to collection of taxes and sale of the lots, prescribed in this act for special taxes.

## CHAPTER NINE.

### FIRE DEPARTMENT.

Fire limits.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have power, and it shall be their duty, to prescribe the limits within which wooden buildings, or buildings of other materials that shall not be considered fire-proof, shall not be erected, placed or repaired, and to direct that all and any buildings within the limits prescribed, shall

be made and constructed of fire-proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, where the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage. Fireproof buildings.

SECTION 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire-buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactories dangerous in causing and promoting fires; to regulate and prevent the use of fireworks and firearms; to compel the owners and occupants of buildings to have scuttles in the roofs, and stairs or ladders leading to the same, and also to provide wells or cisterns on their premises; to authorize the mayor, aldermen, fire-wardens and other officers of the city to keep away from the vicinity of any fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat; and, generally, to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient. Council may prevent the construction of dangerous buildings, &c.

SECTION 3. The common council shall have full power to purchase fire-engines and other fire apparatus, and to authorize the formation of fire-engine, and hook and ladder, and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded and their meetings prohibited, and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men, between the ages of eighteen and fifty years, and may elect their own officers and form their own by-laws, not inconsistant [inconsistent] with the laws of this state or the ordinances or regulations of said city, and shall be formed only by voluntary enlistments. Every member of each company hereby authorized to be formed, shall be exempt from highway May purchase fire-engines. Fire companies. Exemption.

work and poll-tax, and from military duty during the continuance of such membership; and any person having served for the term of seven years in either of said companies, shall be forever thereafter exempt from poll-tax and from military duty, ecept [except] in case of insurrection or invasion.

First meeting of companies.

SECTION 4. There shall be a meeting of the members of said companies, on the third Monday of April, in each year, at such place as may be designated by the chief engineer, when they may nominate and recommend to the common council, for appointment, one chief engineer and three assistant engineers, and the common council shall thereupon confirm or reject said nominations; and the person [persons] so appointed shall perform such duties as the common council may prescribe.

Fire-wardens.

SECTION 5. At the same time, the members of said companies shall nominate, and the common council shall appoint or reject the same, four fire-wardens, who shall perform such duties as the common council shall prescribe, and they may at any time enter into any house, store, barn or other building or enclosure, for the purpose of inspecting the same.

Fines.

SECTION 6. One-half of the net proceeds of all fines and penalties recovered for the breach of any ordinance, by-law or regulation made in pursuance of this chapter, shall be paid to the fire department, if organized; if not organized, then the said proceeds shall be paid into the poor fund.

Penalty for refusing to work at fires.

SECTION 7. Whenever any person shall refuse to obey any lawful order of any engineer, fire-warden, mayor or alderman at any fire, it shall be lawful for the officer giving such order to arrest, or to direct orally the marshal, constable, watchman or any citizen to arrest such person, and to confine him temporarily in some safe place until such fire shall be extinguished: and in the same manner, such officers or any of them may arrest or direct the arrest and confinement of any person at such fire, who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding fifteen dollars.

Sack company—their duties.

SECTION 8. The common council shall have power to organize a sack company, or continue in force any

such company now organized, which shall be known as sack company No. 1, to consist of not more than twenty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the controll [control] of the chief engineers. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Appleton, and are hereby vested with all the powers and authority which now is [are] or may hereafter be vested in any poliece [police] officer of said city, and shall be entitled to all the rights and immunities of members of the fire department. At fires, they shall take charge of all property which may be exposed or endangered, and shall, as far as it may be in their power, preserve the same from injury or destruction. Said company may, from time to time, adopt such by-laws and regulations as they may deem necessary, not inconsistent with the laws of this state. The members of said company shall not be entitled to any pay or compensation for services rendered in their official capacity. They shall, in case of riot or disturbance of the peace, have free access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same. The members of said company shall severally take an oath or affirmation that they will faithfully discharge the duties of their said office; and when any member of said company shall cease to be a member thereof, by resignation, expulsion or otherwise, a notice thereof shall be given to the city clerk, and they shall preserve a record of all the members of said company.

No compensation.

Oath.

## CHAPTER TEN.

### SUPPORT OF POOR.

SECTION 1. The laws of this state for the relief and support of the poor in towns, shall apply to said city, and the common council may annually levey [levy] a tax, not exceeding one thousand dollars, to comply with the provisions of such law; such tax to be levied and collected in the same manner as annual city taxes. And the common council shall appoint one or more of their number to act as overseers of the poor of the city, who shall perform all the duties of overseer of poor in towns.

Poor tax.

## CHAPTER ELEVEN.

### MISCELLENEOUS PROVISIONS.

All work to be let by contract.

SECTION 1. All work for the city, or either of the wards, when the amount exceeds fifty dollars, shall be let by contract to the lowest bidder, and due notice shall be given of the time and place of letting such contract.

Appropriations.

SECTION 2. No moneys shall be appropriated for any purpose whatever, except such as are expressly authorized by this act.

Judgments—how remitted.

SECTION 3. No penalty or judgment recovered in favor of the city, shall be remitted or discharged, except by a majority of the aldermen elect.

Actions—how brought.

SECTION 4. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, or police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare, generally, in debt for such penalty or forfeiture, stating the clause of this act, or by-law or ordinance, under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

Prosecutions.

SECTION 5. In all (*the*) prosecutions for any violation of any of the provisions of this act, or any by-law or ordinance, the first process shall be a summons, unless oath be made for a warrant, as in other cases.

Summons.

SECTION 6. When the action is commenced by summons, the complaint therein may be substantially in the following form:

"The city of Appleton }
against } In justice court.
——— ———

"The plaintiff complains against the defendant, in an action of debt, for that the defendant did, on the —— day of ———, 18—, violate section —— of an ordinance (or by-law, describing it by its title,) which said —— is now in force. By reason of such violation, an action hath occrued [accrued] to the city of Appleton, to recover of the defendant the sum of —— dollars debt. Wherefore, the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action."

SECTION 7. In all cases where the oath is made for a warrant, the complaint shall be made on the oath of the complainant, and no other affidavit shall be necessary, which complaint last above named, may be substantially in the following form: Complaint.

"The city of Appleton against ——— ——— } In justice court.

State of Wisconsin, Outagamie county, } ss.

"——— ———, being duly sworn, complains, on oath, to ——— ———, justice of the peace of the city of Appleton, that ——— ——— did, on the —— day of ———, 18—, violate section —— of an ordidance (or by-law) of said city, (describing it by its title,) which said —— is now in force and effect, as this complainant verily believes; and prays that said —— ——— may be arrested and held to answer to the said city of Appleton therefor.

"Subscribed and sworn to before me, this —— day of ———, 18—."

It shall be sufficient to give the number of the section or sections, and the title of the ordinance or by-laws, or of the law violated, in the foregoing forms of the complaints, and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the justice of the peace, (*of the peace*,) he shall issue a warrant thereon, which may be substantially as follows: Warrant.

"State of Wisconsin, Outagamie county, City of Appleton, } ss.

"To the sheriff or any constable of said county, or to the marshal of the city of Appleton, greeting:

"Whereas, —— ——— has this day complained to me, in writing, on oath, that —— ——— did, on the —— day of ———, 18—, violate section —— (or sections —— ——) of ordinance, (by-law, regulation or law, as the case may be, describing it by its title,) which said —— is now in full force and effect, as the said complainant verily believes: Therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest the body of said —— ———, and him bring

before me forthwith, to answer to the city of Appleton, on the complaint aforesaid.

"Given under my hand the — day of ——, 18—.

"—— ———, justice of the peace."

Proceedings before justice

Upon the return of the warrant, the justice may proceed with the case, unless it be continued by consent or for cause. If the cause be adjourned, the defendant, if required by the court so to do, shall recognize with security, to be approved by the court, for his or her appearance, in such sum as the court shall direct, or in default thereof, may be put in charge of the officer who made the arrest, or be committed to the common jail of Outagamie county. The complaint made as aforesaid, shall be the only complaint required, and a plea of "not guilty" shall put in issue all subject matter embraced in the action.

Printed copy deemed evidence, &c.

SECTION 8. A printed copy of an ordinance, by-law or resolutions, passed by the common council and published in a newspaper or in pamphlet or book form, shall be *prima facie* evidence of its due passage and publication, and shall be received in evidence on the trial of all cases, cognizable before any court in this state.

Witnesses and jurors.

SECTION 9. Witnesses and jurors shall attend before the justice of the peace in all city and criminal suits, without the payment of fees in advance, or a tender thereof, upon process of the court duly served, and in default thereof, their attendance may be compelled by attachment.

Finding, and judgment.

SECTION 10. In city prosecutions, the finding of the court or jury shall be either guilty or not guilty. If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture contained in the ordinance, by-laws or resolution, for the violation of which the person or persons shall have been adjudged guilty, and for the costs of suit; but if not guilty, the costs shall be taxed against the city. Upon conviction and the non-payment of such judgment, the court may forthwith issue an execution, as in cases of tort, and shall determine and enter upon the docket the length of time the defendant shall be imprisoned, which in no case shall exceed six months, and also insert such time in the commitment or execution. Such execution may be in the following form:

Execution.

"State of Wisconsin, }
Outagamie county, } ss.
City of Appleton, }

"To the sheriff or any constable of the county of Outagamie, or to the city marshal, and to the keeper of the common jail in said county, greeting:

"Whereas, the city of Appleton, on the —— day of ——, 18—, recovered a judgment before —— ——, the justice of the peace of said city, against —— ——, for the sum of —— dollars, together with —— dollars cost of suit, for the violation of an ordinance, (by-law, resolution or law, as the case may be:) These are, therefore, in the name of the state of Wisconsin, to command you to levy distress of the goods and chattles [chattels] of said —— ——, except such as the law exempts, and make sale thereof, according to law in such case made and provided, to the amount of said sum, together with your fees and twenty-five cents for this writ, and the same return to me in thirty days; and for want of such goods and chattels whereon to levy, take the body of the said —— ——, and him convey and deliver to the keeper of the common jail in Outagamie county; and said keeper is hereby commanded to receive and keep in custody in said jail, the said —— ——, for the term of ——, unless said judgment, together with all costs and fees, are sooner paid, or he be discharged by due course of law.

"Given under my hand, this —— day of——, 18—.

"—— ——, justice of the peace."

SECTION 11. No person shall be an incompentent [incompetent] judge or justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest. **Competency of judge, &c.**

SECTION 12. All ordinances, regulations or resolutions now in force in the city of Appleton, and not inconsistant [inconsistent] with this act, shall remain in force under this act until altered, modified or repealed by the common council, after this act shall take effect. **Ordinances now in force.**

SECTION 13. All actions, rights, fines, penalties and forfeitures, in suit or otherwise, which have accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created. **Actions, &c., vested in corporation.**

Failure to hold election, not a loss of franchise.

SECTION 14. If any election by the people or common council shall, for any cause, not be held at the time or in the manner herein prescribed, or if the council shall fail to organize, as herein provided, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had at any subsequent day, by order of the common council; and if any of the duties enjoined by this act, or the ordinance or by-laws of the city, to be done by any officer at any specified time, and the same are not then done or performed, the common council may appoint another time at which the said acts may be done and performed.

Jurisdiction of city over bridges, &c.

SECTION 15. All that part of Fox river within the limits of said city, shall be kept under the exclusive jurisdiction of the said city and its common council, and all bridges over the said river, within the limits aforesaid, shall be under its jurisdiction; and the mayor and common council of said city are hereby fully empowered to purchase bridges now existing within said city limits, and also to build and construct, or cause to be built and constructed, new bridges, at such point or points as they may deem necessary and for the best interest of the city, and to maintain and sup [support] all such bridges which the city may own now or may purchase or build hereafter at the expense of said city.

New bridges.

SECTION 16. Whenever the common council shall deem it necessary and for the best interests of said city to build one or more new bridge or bridges over Fox river, or elsewhere within said city limits, they may, for the purpose of defraying the expences [expenses] of the first construction of such bridge or bridges, levy a special tax upon all the taxable property of said city; such tax to be levied and collected in the same manner as is provided for the levying and collecting of the annual city taxes in this act: *provided*, that no such tax shall be levied unless the question be submitted to the qualified electors of the city, nor unless a majority of all the qualified electors voting on such question shall vote in favor of levying and collecting the same, as proposed by the common council. Notices of the time and place when and where such election will be held, shall be published in the official paper or papers for three successive weeks, at least

Special tax.

To be submitted to a vote.

Notice of election.

once in each week. If the construction [of] one or more new bridg [bridge] or bridges is so determined, it shall be the duty of the street commissioner to cause all necessary grading to be done to render the road thereto passable.

Laws applicable to the protection of bridges.

SECTION 17. The general laws for the preservation of bridges, and the punishment by such (*by such*) laws provided for the willful and malicious injuries done thereto, are hereby extended to and shall include all of said bridges, and shall apply to any wilful [willful] or malicious damage which may be done to either of them by any person or persons whatever; and the common council may, from time to time, make such by-laws or ordinances as they may deem necessary for the preservation of such bridges, and enforce the same by adequate penalties. In case of any damage done to any of said bridges, by any vessel or water-crafts, or by the master or any person in command thereof, such vessel or water-craft may be proceeded against under the law to provide for the collection of demands against boats and vessels.

Actions against the city.

SECTION 18. When any suit or action shall be commenced against said city, (*said city,*) the services thereof may be made by leaving a copy of the process, by the proper officers, with the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof or take such other proceedings as by ordinances or resolutions of said council may be in such case provided.

Exemption.

SECTION 19. No real or personal property of any inhabitant of said city, or of any individual or corporation, shall be levied on and sold by virtue of any execution issued to sattisfy [satisfy] or collect any debet, [debt,] obligation or contract of said city.

Commissioners to establish line of streets, &c.

SECTION 20. The common council of said city may, at any time, appoint four commissioners, one from each ward, who, with the assistance of the city surveyor, or such other assistant surveyor as the council may appoint, shall cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, sidewalks, public grounds, wharves and blocks, and shall cause to be established such permanent landmarks as they may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the said surveyor and commissioners, which shall

be filed in the office of the city clerk, and a copy thereof shall be recorded in the office of the register of deeds of Outagamie county.

Survey to be evidence.

SECTION 21. The survey and landmarks so made and established shall be *prima facie* evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharves and blocks, in all cases in which they shall be drawn in controvery, in all courts in this state.

Grade.

SECTION 22. The common council of the said city may, at such time as they may deem proper, establish the grade of all streets, alleys and sidewalks in said city, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of Outagamie county; and should the grade so established be at any time hereafter altered, all damages, costs and charges arising therefrom, shall be paid by the city to the owner of any lot or parcel of land or tenement which may be affected or injured in consequence of the alteration of such grade: *provideded*, [*provided*,] that nothing in this section contained shall be construed so as to prevent the street commissioners of the several wards of the said city from ordering or causing to be done the grading of any street within their ward, to a temporary grade to be established by such street commissioners.

Temporary grade.

City may hold real estate.

SECTION 23. The said city may lease, purchase and hold real or personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

Special taxes.

SECTION 24. Real estat [estate] exempted from taxation by the laws of this state, shall be subject to special taxes, as other real estate under this act.

Not considered as repealing.

SECTION 25. No general law of this state, contravening the provisions of this act, shall be considered as repealing, annulling or modifying the same, unless such purpose be expressly set forth in such law, as an amendment to this charter.

Subdivision of lots, &c.

SECTION 26. Every individual or company of individuals, or body corporate, owning a lot or tract of land within the corporate limits of the city of Appleton, who may desire to subdivide or plat such lot or tract of land into city lots, shall, in platting the same, cause the streets and alleys in such plat to correspond *in*

width and general direction with the streets and alleys through the lots and blocks in said city, adjacent to said lot or tract of land so platted; and before recording such plat, as required by law, it shall be the duty of such person or persons making such plat, to submit the same to the common council of said city for approval, and if said plat shall be approved by the common council, it shall be lawful for the party or parties making such plat, to record the same in the manner prescribed by the revised statutes of this state concerning town plats; but except such plat shall be approved by resolution adopted by said common council, a copy of which, duly certified to by the city clerk, shall be affixed to said plat, it shall not be lawful for the register of deeds of Outagamie county to receive such plat for record; and the person or persons neglecting or refusing to comply with the requirements of this act, shall forfeit and pay a sum not less than one hundred dollars, and not more than one thousand dollars, and the register of deeds who shall record such plat without such resolution of the common council thereto attached, approving the same, shall forfeit and pay a sum not less than fifty nor more than one hundred dollars.

Plat to be approved by council.

Penalties.

SECTION 27. All forfeitures and liabilities which may be incurred and arise under and by virtue of this act, shall be prosecuted for and recovered in the name of the city of Appleton, and paid into the city treasury for the use and benefit of said city.

Forfeitures—how prosecuted.

SECTION 28. In all cases when, by the provisions of this act, personal service of any notice is required upon the occupant, owner or agent of any property in said city, it shall be sufficient to deposit such notice, in a prepaid sealed envelop, in the Appleton postoffice, directed to such owner, occupant or agent residing in said city.

Personal notice.

SECTION 29. Hereafter, no special improvements shall be ordered by the common council, exceeding in estimated cost the sum of two hundred dollars, unless the owners of more than one-half of the lands to be taxed for such improvement, shall petition, in writing, for the same, or unless the same shall be ordered by a vote of three-fourths of all the aldermen elect.

Special improvements.

SECTION 30. When the city of Appleton deeds or leases any real estate, or any interest therein, owned by said city, the party of the first part shall be the city

Parties to deeds.

of Appleton, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Deeds to lands belonging to city.

SECTION 31. The mayor of said city is hereby authorized, when the common council shall, by ordinance or resolution for that purpose, describing the real estate and interest to be conveyed, order and direct him so to do, to execute a deed or lease of such real estate or interest therein, belonging to the said city. The said deed or lease shall be signed by the mayor of said city and countersigned by the city clerk, and sealed with the corporate seal of said city, and duly witnessed and ackowleged, as is provided by law for the execution of deeds and leases.

Copy of ordinance to be attached to and recorded with deed.

SECTION 32. When any such deed or lease is so executed, the city clerk shall attach to such deed or lease a true and attested copy of such ordinance or resolution, and the same shall be recorded by the register of deeds with the said deed or lease; and such copy so attached and recorded shall be, in all courts of this state, *prima facie* evidence of the authority of such mayor to make and execute such deed or lease.

REPEALING CLAUSE.

Repeal.

SECTION 33. An act entitled "an act to incorporate the city of Appleton," approved March 29th, 1857, and the several acts amendatory thereof, and all acts or parts of acts inconsistent and conflicting with the provisions of this act, are hereby repealed; but the repeal of said acts and parts of acts shall not, in any manner, affect, injure or invalidate any contracts, acts, suits, claims or demands that may have been entered into, performed, commenced, or that may exist under or by virtue or in pursuance of the said acts or any of them, but the same shall exist and be in force and carried out as fully and effectually, to all intents and purposes, as if this act had not been passed. And all ordinances, resolutions, regulations, rules, by-laws and orders of the common council of said city, or parts thereof, not repealed, suspended or made void by this act, shall continue and remain of the same force and effect as if this act had not been passed, until altered, amended, repealed or suspended by the common council in pursuance of this act.

To remain in force.

SECTION 34. This act shall take effect and be in force from and after its passage.

Approved March 27, 1863.

## CHAPTER 125.

[*Published April* 1, 1863.]

AN ACT to legalize a special town meeting held in the town of Brookfield, in the county of Waukesha, on the eighteenth day of October, A. D. 1862.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The special town meeting held in the town of Brookfield, in the county of Waukesha, on the eighteenth day of October, A. D. 1862, for the purpose of levying a tax to pay bounties to volunteers in the state or United States service, is hereby declared legal to all intents and purposes; and all acts of said special town meeting, and the proceedings had by virtue thereof, are hereby declared and made valid in law. **Town meeting legalized.**

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 27, 1863.

## CHAPTER 126.

[*Published April* 14, 1863.]

AN ACT to legalize the official acts of John W. Hall and Nicholas Murtice, supervisors of the town of Forest, county of Fond du Lac.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. All the official acts and duties performed by John W. Hall and Nicholas Murtice, as supervisors in the town of Forest, and county of Fond du Lac, **Acts legalized.**

and state of Wisconsin, prior to the passage of this act, so far as the same are consistent with the general laws of the state, are hereby legalized and declared to be valid, for all purposes, the same as though the said John W. Hall and Nicholas Murtice had caused their official oaths to have been taken and filed in conformity with the laws of this state.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 27, 1863.

## CHAPTER 127.

[*Published April* 10, 1863.]

AN ACT to amend section one, chapter one hundred and thirty-three, of the revised statutes, entitled "of costs and fees."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Fees for collecting.

SECTION 1. Subdivision seventh of section one of chapter one hundred and thirty-three of the revised statutes, is hereby amended, so as to read as follows: "Collecting and paying over all sums upon execution, writ or process for the collection of money, five per centum upon any sum not exceeding three hundred dollars; upon any sum exceeding three hundred dollars and not exceeding six hundred dollars, five per centum upon the first three hundred dollars, and two and one-half per centum upon the residue thereof; and upon any sum exceeding six hundred dollars, five per centum upon the first three hundred dollars, two and one-half per centum upon the second three hundred dollars, and one and one-fourth per centum upon the residue thereof; but in no case shall the whole per centage exceed the sum of thirty dollars."

SECTION 2. This act shall be published immediately, and shall take effect and be in force from and after its passage and publication.

Approved March 27, 1863.

## CHAPTER 128.

[*Published April* 14, 1863.]

AN ACT to authorize the towns and villages of the county of Walworth to retain license moneys in their town and village treasuries.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. All moneys derived from licenses granted in the county of Walworth, under the provisions of chapter thirty-five of the revised statutes of this state, shall be paid into the treasuries of the several towns and villages of said county where said licenses are granted, and shall be appropriated and paid out as directed by the proper town board of supervisors or village board of trustees: *provided*, that the treasurer of each of said towns and villages shall, on or before the first day of October, in each and every year, pay to the treasurer of said Walworth county, the sum of ten dollars for each and every license so granted in such their respective towns and villages. To be paid into town treasuries—how appropriated.

SECTION 2. Section sixteen of chapter thirty-five of the revised statutes, shall not apply to the county of Walworth, after this act takes effect. Not applicable.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 27, 1863.

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## CHAPTER 129.

[*Published April* 1, 1863.]

AN ACT to authorize the holding of a special term of the circuit court in and for the county of Vernon.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. A special term of the circuit court in and for the county of Vernon, shall be held at the court house, at the village of Viroqua, in said county, To commence second Tuesday of January.

on the second Tuesday of January, in each year. t commence at 9 o'clock on said day, for the transactio of all business not requiring the intervention of a jur

No other notice necessary.

SECTION 2. No notice of holding said term shall b required, other than the passage and publication of thi act.

SECTION 3. This act shall take effect and be in forc from and after its passage.

Approved March 27, 1863.

## CHAPTER 130.

[*Published April* 14. 1863.]

AN ACT to provide for the incorporation of musical societies.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

How association may be formed.

SECTION 1. Any five or more persons may form an association for the purpose of cultivating vocal and instrumental music; and upon making, under their hands, a written statement of the formation of such association, specifying the names of the persons so associating, the name, location and purpose of such association, and the intention of becoming incorporated under the provisions of this chapter, and upon recording such statement in the office of the register of deeds in the county where such association shall be located, the persons so associated shall become a corporation under the name so specified.

Powers of association.

SECTION 2. Such corporation shall have power to contract, to have a common seal, to sue and be sued, to make by-laws, to take and hold real and personal property, not exceeding in value twenty thousand dollars, to provide for the election of officers, to make all needful rules and regulations for its own government and for the disposal and management of its property, and, generally, to do such corporate acts as shall be necessary and expedient in carrying out the objects of such corporation: *provided*, that the powers of such corporation shall be confined to carrying out the purpose of its

Proviso.

creation, and may at any time be defined and limited by law, and shall be exercised in conformity to the laws of this state for the time being.

SECTION 3. The amount of the capital stock of such corporation shall be expressed in the written statement made under the provisions of the first section, and shall never exceed twenty thousand dollars, of which five per cent. or more shall be paid in at the time of forming the corporation, and the amount so paid in shall be expressed in such statement. Limit to capital.

SECTION 4. This act shall take effect upon the publication thereof.

Approved March 27, 1863.

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## CHAPTER 131.

[*Published April* 15, 1863.]

AN ACT to grant additional powers to the board of trustees of the village of Neenah, and to define the boundaries thereof.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. In addition to the powers now possessed by the board of trustees of the village of Neenah, the said board shall have power to improve the navigation of the south branch of Fox river; the canal, lock, lake or other waters lying within the corporate limits of said village, but no tax for such purpose shall excee [exceed] five hundred dollars in any year; to prohibit the putting into said river, canal or other of said waters, any slabs, edgings or other materials that may obstruct the navigation thereof; to provide for the opening and shutting of the lock and highway draws in said village, and for the purpose of defraying the expense thereof; to impose and collect such tolls as said board shall deem expedient and just, from persons wishing to pass boats or other vessels through the same; to take up, vacate and close, or lay out, establish and open, highways and streets within the limits of said village, subject to the provisions of sec. 40 of chapt. seventy of the revised statutes of

Improvement of navigation, &c.

Tolls.

Streets, &c.

Wisconsin, in relation to damages; to prevent the obstruction of crosswalks by persons hitching or leaving teams thereon, or otherwise, and for such purpose, to establish and collect fines for violation of such ordinance, providing such fine or forfeiture shall not exceed three dollars for any one offense; to appoint a wood inspector, whose duty it shall be to measure any and all wood when called upon so to do, sold in the streets of said village, and a certificate in writing of such measurement by said wood inspector, shall be *prima facie* evidence of the amount of such wood, and such wood inspector shall receive a sum not exceeding ten cents for each cord so measured, as his compensation for such services, to be paid by the person employing him, unless otherwise agreed to by the parties; to prevent riots, noise, disturbances or disorderly assemblages, suppress and restrain disorderly houses, or houses of ill-fame; to direct the location of slaughter houses and markets; to restrain drunkenness, disorderly conduct or obscenity in the streets of said village, and to prohibit bathing or swimming during the day time in such places within the limits of said village as they may deem proper, and to provide for the arresting, removing and punishing of any person or persons guilty of the same. And to this end, it shall be the duty of marshal of said village to suppress all riots, disturbances and breaches of the peace; to apprehend all disorderly persons in said village, and pursue and arrest any person flying from justice, in any part of this state; to apprehend any person in the act of committing any offense against the laws of this state or ordinance of the village, and forthwith to bring such person or persons before competent authority for examination or trial; and for all such services he shall receive like fees as are allowed by law to constables. He shall do and perform all such duties as may lawfully be required of him by the ordinances of said village, and shall have power to appoint one or more deputies, to be approved by the board of trustees, or a majority of them, and for whose official acts the said marshal shall be responsible. And said board of trustees of said village of Neenah shall have power to provide and maintain a "lock up," or some place of security for the use of said marshal in the suppression of riots, and for the detention of any person or persons in the act of

Crosswalks.

Wood inspector.

Riots, &c.

Slaughter houses.

Drunkenness, bathing, &c.

Authority to marshal.

His fees.

Lock-up.

committing any offense against the laws of this state or the ordinances of said village, or for the detention of any person arrested by said marshal, or on supposition of having committed any violation against the laws of this state or the ordinances of said village; and such persons so arrested or detained shall be under the care of said marshal until discharged or removed by the authorities before whom such persons are brought for examination; to divide said village into such number of wards as they may from time to time deem proper; to direct the cleaning of sidewalks and crosswalks from snow, and to pay therefor from the general fund; to prohibit or license all theatrical exhibitions or other public shows to which admission is obtained by payment of money, the selling by public auction of goods, wares and merchandise brought into said village for that purpose by transient persons, and the running at large in said village of all cattle, sheep, swine, horses, mules or colts, upon such terms and by such regulations and restrictions as they may deem just and proper; to appropriate from the general fund a sum not exceeding fifty dollars for any one object, for the purpose of assisting in bridging or otherwise improving any part of a street or streets in said village, when they shall deem the whole expense too great to be assessed wholly on the adjoining lot or lots: *provided*, said each adjoining lot or lots shall be assessed for making said improvements not less than the highest sum assessed upon any other lot on said street for making the improvement thereof; and whenever a majority of the owners of real estate bounding any portion of any street or highway in said village, shall petition said board in writing for the construction of a sidewalk, or the opening and constructing of sewer or sewers along any street or highway, or the grading, paving, planking, filling up, widening or otherwise improving said street or highway, said board shall have the power to order the building and constructing or repairing of said sidewalks, or the grading, paving, planking, filling up or other improvement of said street or highway, and to proceed to levy and collect, as provided by law, a sum sufficient to build or repair such walk or make such improvement; and the tax for the opening and construction and repairing of sewers, shall be levied and collected in the same manner as taxes for the con-

Wards.

Cleaning walks.

Licenses.

Cattle, &c.

General fund.

Sidewalks, &c.

Sewers.

struction and repairing of sidewalks are levied and collected.

Laws applicable to improvement of navigation.

SECTION 2. Whenever said board shall determine to improve the navigation of any waters within the limits of said village, the [they] shall proceed to make such improvement as provided in section five (5) of an act entitled "an act to legalize the proceedings and organization of Winnebago rapids, and to change the name thereof, and to confer additional powers thereto," approved March 28th, 1856.

How tax to be levied.

SECTION 3. Section three of the acts [act] mentioned in the last preceding section, is hereby amended, by striking out from the latter part thereof the following clause, which is hereby repealed, to wit: "Said sums or tax to be levied on the last assessed valuation of said real estate, as the same shall appear in the last assessment roll of said village, if there be one; if not, then as the same shall appear in the last assessment roll of the town of Neenah."

Repair of sidewalks.

SECTION 4. Whenever any sidewalk within said village shall be defective, and need repairs, said board may, with or without a petition from the resident owners of real estate bounding such walk, cause such repairs to be made. Said board shall, by a resolution specifying the lots or parcels of land in front of which such repairs are to be made, direct the street commissioner to proceed to cause such repairs to be made; and said board shall cause to be delivered to such commissioner a copy of said resolution. On receipt of said copy, it shall be the duty of said street commissioner, without delay, to proceed to notify at least one of the owners of each lot or parcel of land in front of which such repairs are to be made, if known by him to be residents of said village, to repair said walk forthwith. Said notice may be given verbally to said owners in person, or in writing left at the last and usual place [places] of abode in said village, with some person of suitable age and discretion. If the owner of any of such lots shall be unknown to said commissioner, or shall not be resident of nor within said village, said notice may be given to any tenant residing thereon. If not thus occupied, no notice need be given, but said commissioner shall, without delay, proceed to make the necessary repairs required. If any owner, after receiving said notice as aforesaid, shall, for the space

of forty-eight hours, (48,) neglectto make the repairs required, or cause the same to be made, the said commissioner shall, without delay, proceed to repair said walk, as required by the board; and when said repairs shall have been completed, said commissioner shall present the board a verified and itemized account of the cost of such repairs, in front of each lot or parcel of land, so made by him, which account said board shall audit in the same manner as other accounts are audited; and when so audited and allowed, the sum or sums allowed shall be paid as other accounts are paid, from the general fund.

Lien.

SECTION 5. Whenever repairs shall have been made by said street commissioner, and an account allowed therefor, as provided in the next preceding section, the amount thus allowed for repairs on each lot or parcel of land shall become and remain from and after the date of making such repairs, a lien and charge upon said lot or parcel of land, until paid; and said sum, together with twelve per cent. added thereto, shall, in a separate column, be placed in the tax-list next thereafter made by said village, opposite such lot or parcel of land, and collected in the same manner as other taxes are collected.

Enjoining officers from selling lands for taxes for street improvements.

SECTION 6. No suit or action shall hereafter be commenced, prosecuted or maintained by any one, against said village, or any officer therof, to restrain or enjoin said village or any officer thereof from selling any lot or parcel of land for the non-payment of any tax levied for the purpose of building, constructing or repairing any sidewalk, or for the opening and constructing of any sewer, or for the grading, paving, planking, graveling or other improvements of said street or highway in said village, or from issuing any certificate of sale thereof, or from executing and delivering any deed in pursuance thereof, nor for the purpose of canceling any such certificate or deed, or otherwise invalidating said sale, when the said walk, sewer, or improvement of a street, for the constructing and making of which said tax shall have been levied, shall have been constructed, repaired or made, except upon the sole ground that said tax has been paid by the onwer of said lots or parcels of land, unless previous [previously] to the commencement of said suit or action, the plaintiff or plaintiffs therein shall pay the village treasurer, for the

use of said village, the actual cost and expense incurred by said village in constructing or repairing said sidewalk or sewer, or in making the improvement of said street in front of said plaintiff's lot or parcel of land, together with twelve per cent.

Reassessment of taxes illegally levied.

SECTION 7. Whenever any tax heretofore or hereafter levied by said village, for the purpose of building or repairing any sidewalk, sewe. or other improvement of any street in said village, sha have been or shall hereafter be ascertained to have b. n illegally levied, and the village shall have built the .valk or sewer, or made the other improvement for the constructing and making of which said tax was or shall have been levied, the board of trustees shall have power to insert the amount of said tax, together with twelve per cent. interest per annum, from the completion of said walk or other improvement, in a separate column, opposite such lot or lots or parcel of land, in the next tax-list made after the cancelation [cancellation] of the certificate or certificates of sale made in consequence of the non-payment of any such tax, or deed issued in pursuance thereof, and a settlement with the holder thereof, which amount shall be collected in the same manner as other taxes therein are collected.

Penalties for violation of ordinances.

SECTION 8. Whenever the board of trustees of said village shall, under the provisions of chapter 70 of the revised statutes, and of this act, have power to enact or pass ordinances or by-laws in relation to any subject, they may prescribe any penalty for the violation or non-observance of such ordinances or by-laws, not exceeding fifty dollars for any one offense, as they may deem proper; and may also provide that in default of payment of any judgment rendered in any action brought to recover such penalty for such violation or non-observence, the offender may be imprisoned for such term as they may by such ordinance prescribe, not exceeding thirty days, for which purpose the said village shall have the use of the jail of Winnebago county for the imprisonment of any peson liable to be thus imprisoned; and all fines and penalties thus imposed, when collected, shall be paid over to the treasurer of said village by any justice of the peace or other officer to whom the same shall have been paid, and shall become a part of the general fund of said village.

Corporate limits of village.

SECTION 9. The corporate limits of said village of Neenah shall hereafter include all the territory lying

within the following boundary, to wit: Commencing at the N. W. corner of the S. W. ¼ of sec. 21, town 20, north of range 17 east, in town of Neenah; thence running south along the west section lines of sections 21 and 28, to the S. W. corner of said section 28; thence along the south section lines of sections 28 and 27, to Lake Winnebago; thence northerly to a point where the shore of said lake is intersected by the E. and W. quarter lines of section 23; thence west on the quarter lines of section [sections] 23, 22 and 21, to place of beginning.

SECTION 10. Chapter 136 of the laws of Wisconsin for 1857, entitled "an act to grant additional powers to the board of trustees of the village of Neenah, and to enlarge the boundaries of said village," and so much of all other acts as is inconsistent with the provisions of this act, is [are] hereby repealed. Repeal.

SECTION 11. This act shall be in force and effect from and after its passage.

Approved March 27, 1863.

## CHAPTER 132.

[*Published April* 13, 1863.]

AN ACT providing for an additional term of the circuit court for the county of Kenosha.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. In addition to the terms of the circuit court now required by law to be held for the county of Kenosha, there shall hereafter be held in each year a term of said circuit court for said county of Kenosha, commencing on the second Tuesday in February; but no jury shall be summoned to attend such additional term. To commence second Tuesday of February.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 27, 1863.

## CHAPTER 133.

[*Published April* 14, 1863.]

AN ACT to authorize the county supervisors to lay out and establish highways in certain cases.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Authority to supervisors to lay out highways.

SECTION 1. The county board of supervisors of each county, shall be commissioners to lay out, survey and establish highways extending through or into three or more towns in such county.

Petition therefor.

SECTION 2. Upon petition of not less than forty-five resident freeholders, and not less than fifteen from each town through or into which it is proposed to lay such highway, praying the laying out, surveying and establishing of a public highway extending into or through at least three of the towns of such county, the said board of supervisors shall proceed to lay out such highway, if, in their opinion, the public good will be thereby promoted.

Survey to be made, filed, &c.

SECTION 3. Whenever the county board of supervisors shall lay out any such highway, they shall cause an accurate survey thereof to be made, and they shall make out a description of the highway so laid out, and incorporate the same in an order to be signed by them, or a majority of them, and shall cause said order to be filed and recorded forthwith in the office of the clerk of the board of supervisors of such county, and shall also cause a copy of such order to be filed in the office of the town clerk of each town into or through which said road may run.

Notice of application to be published.

SECTION 4. Upon application made to said board of supervisors for the laying out of such highway, they shall cause a notice to be given, by publication of a notice for three weeks, in some public newspaper printed and published in such county, of the time and place at which they will meet to decide upon such application, or by three written or printed notices, posted for the same length of time in each town: *provided*, that no newspaper shall be published in such county, or being published, shall not have general circulation.

Damages—how ascertained.

SECTION 5. The damages sustained by any person through whose land any such highway shall be laid,

may be ascertained by agreement between said board of supervisors and such owner. In case of failure to agree upon such damages, the same may be ascertained and determined in the manner now provided by law for the ascertainment of damages, in chapter 19 of the revised statutes, and shall be paid by the towns, respectively, where the same is [are] occasioned.

SECTION 6. The said board of supervisors shall have the same per diem allowance as when in regular session; to be paid, as well as the necessary expenses of surveying such road, out of the county treasury.

Per diem, &c., of supervisors.

SECTION 7. No alteration, vacation or discontinuance of any such highway shall be made, unless by the board of county supervisors, and by such board only on like petition and notices as in the case of laying out highways by said board. Highways laid out by said county board of supervisors, shall be opened and repaired, in the respective towns, in the same manner as other public highways.

Alteration, &c., of highways.

SECTION 8. Whenever the supervisors of any adjoining towns shall be unable to agree in the location and laying out of a highway extending into or through such towns, so as to make a continuous road from one town into or through the other, as may be required for the convenience of the public, upon petition of thirty freeholders, fifteen of whom shall reside in each of such towns, setting forth such disagreement, and praying the laying out of a road extending into or through such two towns, the said board of county supervisors may proceed in the same manner as hereinbefore provided, to view, lay out, survey and establish such highway.

Extension of highways into other towns.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1863.

## CHAPTER 134.

[*Published April* 14, 1863.]

AN ACT to amend chapter 341 of the general laws of this state of the year 1860, entitled "an act to extend the time of payment of principal upon school and university land certificates."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Time extended ten years.

SECTION 1. Section one of chapter three hundred and forty-one of the general laws of this state, of the year 1860, is hereby amended, so as to read as follows: "Section 1. The day of payment of all unpaid principal of the purchase money of any school or university lands, sold by the state prior to the first day of January, A. D. 1856, is hereby extended ten years from the when said principal would become due by the terms of the certificates issued upon such sales, were not this act passed; and all such certificates of sale are hereby continued in full force and effect for such period of time, (unless as in hereinafter otherwise provided,) the terms thereof, and of the contract between the state and purchaser, or his assigns, or legal representatives, evidenced thereby, remaining unchanged in every part thereof, except as to the time of payment of principal, as changed by this act: *provided, however*, that the extension of the time of payment of principal, granted by this act, shall become null and void as to any principal unpaid upon any tract of land upon or from which the purchaser, his heirs or assigns, or legal representatives, or the holder of the certificates of purchase thereof, shall cut down or destroy, or carry off, any wood or timber standing or growing thereon, without the written consent of the commissioners of the school and university lands, or shall suffer the same to be done, except such as may be actually necessary for the erection of fences or buildings thereon, or for firewood for the use of the family residing thereon, or for actual and *bona fide* improving the same for the purposes of cultivation. In the cases when the extension of the time of payment granted by the provisions of this section becomes null and void as aforesaid, the commissioners are hereby authorized to demand and require immediate payment of all unpaid principal and interest

Contract to remain unchanged.

When extension shall become null and void.

thereon: *provided*, that in no case shall payment of principal be demanded within one year after the expiration of the time of payment of principal, fixed in the original certificate of sale. Proviso.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1863.

## CHAPTER 135.

[*Published April* 14, 1863.]

AN ACT to amend chapter 8 of the general laws of 1862, entitled "an act for the relief of Jackson county."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two of chapter eight of the general laws of this state, of the year (*A. D.*) 1862, is hereby amended, by striking out the words "within six months," where they occur in the third line of said section two, and by inserting in lieu thereof the words "within two years." When application for restoration of record may be made.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1863.

## CHAPTER 136.

[*Published April* 15, 1863.]

AN ACT to provide for keeping in repair the highways, streets, alleys and bridges in the city of Oshkosh, and to repeal chapter 123 of the private and local [general] laws of 1862, entitled "an act to provide for keeping in repair the highways, streets, alleys and bridges in the city of Oshkosh."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Each ward in the city of Oshkosh is hereby constituted one road or highway district, desig- Highway districts.

nated numerically the same as the wards of which they are composed.

Overseers of highways.

SECTION 2. It shall be the duty of the mayor of said city, on or before the third Monday in April, A. D. 1863, and annually thereafter, to appoint a suitable person in each ward, a resident freeholder thereof, as overseer of highways, and file a notice with the city clerk, who shall immediately notify such person of his appointment.

Lists of persons liable to pay poll-tax.

SECTION 3. Each overseer of highways shall, within sixteen days after his appointment, having filed his acceptance in writing with the city clerk, deliver to the city clerk a list, subscribed by himself, of all persons in his road district who are liable to pay a poll-tax therein. In case said overseer shall fail to accept his appointment within six days after his being notified by the clerk, he shall be deemed to have vacated his office, and the mayor shall immediately fill such vacancy, or any vacancy that may occur during the year.

Who liable—amount.

SECTION 4. Every male inhabitant in each road district or ward, being a resident thereof at the time of making such list by the overseer, over the age of twenty-one years, excepting persons of color, paupers, idiots and lunatics, shall be assessed to pay a poll-tax of one dollar to the overseer of said road district or ward, in cash or labor, as provided in section eleven of this act.

Assessment of highway taxes.

SECTION 5. In making an assessment of highway taxes, the city council shall proceed as follows: 1st. They shall cause to be made out by the city clerk, separate lists for each highway district or ward, of the names of all persons made liable by this act to pay a poll-tax therein. 2d. If an additional tax to the poll-tax, in the judgment of the common council, will be required to repair and keep in order the highways and bridges in each or any of said districts or wards, they may (or shall) assess upon the real and personal property in such district or districts, ward or wards, an amount not less than one mill or more than seven mills on the dollar, as valued in the city assessment roll for the preceding year, as revised, equalized and confirmed by the board of equalization of said city of Oshkosh. The per centage to be assessed upon the property of the respective districts or wards, may be varied by the common council, as in their judgment the necessities of the

respective districts or wards may require, but said percentage shall be uniform throughout each of said districts or wards.

SECTION 6. The common council shall cause to be made duplicates of the several lists of the names of persons assessed to pay a poll-tax, and of the amount directed to be expended by the warrant in each of the several districts or wards, which shall be signed by the mayor; one of which lists for each road district or ward, shall be filed by the city clerk in his office, and the other shall be delivered to the overseer of highways of the district or ward in which the highway labor therein specified is assessed, and the amount directed to be expended. Duplicate poll-lists.

SECTION 7. The common council shall cause to be annexed to each of such tax-lists, a warrant, signed by the mayor and city clerk, which shall be in substance as follows: Warrant.

"To A. B., overseer of highways in road district or ward No. —, in the city of Oshkosh: You are required to collect from each of the several persons named in the annexed list, one dollar poll-tax, within the time limited by section twelve of this act, and to apply the taxes collected by you, and make due return thereof. You are also hereby required to expend in labor and material, upon the highways and bridges in your district, in addition to the poll-tax, not exceeding the sum of —— dollars, and to issue to the party or parties performing such labor or furnishing such material, a certificate or certificates of the respective amount so commuted or done, and make due return.

"Dated the —— day of ———, 18—.

"—— ———, mayor.

"—— ———, city clerk."

SECTION 8. Any person or persons owning, possessing or occupying real or personal property in either or any of said districts or wards, whether residents or not, shall be allowed to pay an amount in labor, material or money, as provided in this act, to the overseer of the district or ward where such real or personal property is located and assessed, to pay highway taxes, and take the certificate or certificates of the overseer of such district therefor, which certificate or certificates shall be received by the city treasurer in payment of his taxes for How highway taxes may be paid.

highway purposes, in the same ward, and not exceeding in amount the sum that such property is assessed for highway purposes, for the same year.

Amount to be placed in warrant.

SECTION 9. It shall be the duty of the city clerk, where the common council shall have determined by vote the per centage to be assessed, if any, upon the property of each or any of the several road districts or wards, for highway purposes, as provided in section five of this act, to ascertain the amount such per centage will produce, and place such proportion thereof as the common council may direct, in the warrant to be issued to the overseer of such district or districts, ward or wards, to be so expended in labor and materials; also, to add the whole amount such per centage will produce, ty the ward taxes to be assessed upon the respective wards for the present year, to be collected with and in the same manner as the city taxes are collected by the city treasurer.

Credits to districts.

SECTION 10. The city treasurer shall credit to each of the respective road districts or wards, as a highway fund, the amount received by him in the collection of the ward taxes of the city, for highway purposes, that belongs to each of said districts or wards, respectively, and shall charge to each of said highway funds all certificates received by him in payment of taxes, as provided in section eight of this act, and file said certificates in his office as vouchers. And said treasurer shall, on or before the third Monday in March, annually, lay before the common council a statement of the condition of each of said road, district or highway funds.

Notice to persons wishing to pay poll-tax in labor.

SECTION 11. It shall be the duty of every overseer of highways to give three days' notice, either personally or in writing left at their usual place [places] of abode, to all persons residing in his district, who are by the terms of this act made liable to pay a poll-tax therein, and who have served a notice on such overseer, as required by section eleven of this act, that they desire to pay in labor the property tax assessed therein for highway purposes, of the time when and the place where they may appear and pay their highway taxes in labor, and with what implements. He shall also post in five of the most conspicuous places in his district, the following notice, written or printed, on or before the first day of May, in each year:

"HIGHWAY NOTICE FOR DISTRICT NO. —.

"Every person [All persons] owning, occupying or possessing real or personal property within this highway district or ward, if they desire, may ascertain from the last assessment book in the city clerk's office, the total valuation of such property. And they are hereby notified, that — mills on the dollar is assessed upon said valuation for highway purposes, which tax may be paid in labor or material by notifying me, the subscriber, in writing, of the amount thereof, and of the desire so to do, on or before the first day of June next. And all persons not residents of this district, assessed for highway taxes upon property herein, will receive no further notice. And all highway taxes upon property in this district, in whole or in part, not so paid, will be collected by the city treasurer, in money, with and in the same manner as other city taxes are collected. Notice of overseer.

"Dated this —— day of ———, 18—.

"[Signed,] A. B., overseer of highways in and for road district or ward No. —."

SECTION 12. Every overseer of highways shall cause at least one-half of the amount of highway taxes to be expended by him in his district, to be collected and expended as required by this act, before the first day of July, and the residue by the first day of November, in each year. When labor to be expended.

SECTION 13. All persons assessed to pay highway taxes in such district, may appear at such times and places therein, and with such teams and implements as the overseer in the notice mentioned in section eleven of this act may direct, and work in person or by an able bodied substitute. May work out tax.

SECTION 14. Every overseer of highways may require of all persons offering to pay their highway taxes in labor, to furnish a spade, shovel, ax or hoe, and any person offering to pay such tax in labor, and who is the owner of a team, plow, wagon or cart, or other implement useful for working the highways, may be required by such overseer to furnish such team, plow, wagon or cart or other implement, if the assessment of such person on such highways be not less than three dollars. May be required to furnish tools and teams.

SECTION 15. Every person intending to pay any highway tax against him, or any part thereof, in labor, and who shall, upon the notice required to be given by How labor to be credited.

the overseer, appear and work agreebly to the direction of such overseer, shall be credited on his tax one dollar for every day he shall actually work eight hours on such highway, and fifty cents a day for every wagon or plow, and seventy-five cents for each yoke of oxen, and one dollar and twenty-five cents for each span of horses he shall furnish, agreeably to the requirements of said overseer.

Excess of time employed by overseer.

SECTION 16. If any overseer shall be employed more time in executing the several duties enjoined upon him by this act than shall be necessary for the payment of his highway tax, he shall be paid for the excess at the rate of one dollar per day, and be allowed to retain the same out of the moneys that may come into his hands on account of highway taxes, but he shall not be allowed to pay his own highway tax in money.

Correction of lists.

SECTION 17. The names of persons left out of any such list, and who ought to have been included therein, and of new inhabitants who have not in the same year been assessed in some other place for highway taxes, shall be from time to time added to the several lists, and assessed by the overseer in their polls.

Annual account of overseer.

SECTION 18. Every overseer of highways shall, on or before the third Monday of March, in each year, render to the city council an account in writing, verified by his affidavit subscribed thereon, before some person authorized to administer oaths, containing, 1st. The names of all persons assessed to pay a poll-tax in his district. 2d. The amount of taxes collected from each such person, and from other sources, distinguishing the taxes which have been paid in labor from those which have been paid in money. 3d. The manner in which all taxes collected and received by him have been disbursed, and the particular items of such disbursement.

Unexpended moneys.

SECTION 19. If, upon rendering such account, any moneys shall remain unexpended in the hands of such overseer, he shall immediately pay over the same to the city treasurer. If any overseer shall neglect or refuse to pay over any money remaining in his hands, as required in the preceding section, it shall be the duty of the city treasurer forthwith to sue for the same, in his name of office, in an action for money had and received to the use of such treasury, which money, when

Penalty.

collected, shall be credited to the ward fund to which it belongs.

SECTION 20. If any person assessed to pay a poll-tax shall neglect to appear and work upon the highway at the time and place specified in the notice required to be given by the overseer, unless satisfactory cause shall appear to such overseer for such neglect, it shall be the duty of said overseer to collect such tax in money; and for that purpose, such overseer shall call at least once on the person taxed, or at the place of his residence, if in such district in which such overseer has been appointed, and demand payment of taxes charged to such person. Collection of delinquent taxes.

SECTION 21. In case such person shall refuse or neglect to pay the poll-tax charged against him, such overseer shall levy the same by distress and sale of the goods and chattles of the person who ought to pay the same, and no property of such person shall be exempt from such levy and sale. May distrain.

SECTION 22. Such overseer shall give public notice of the time and place of sale, and of the property to be sold, at least six days previously to the time of sale, by advertisement to be posted up in three public places in the district where such sale shall be made; the sale to be by public auction. Sale of property.

SECTION 23. If the property levied upon shall be sold for more than the amount of tax and cost, the surplus shall be returned to the person from whom the property was taken. Excess to be returned.

SECTION 24. Every overseer, in case of a levy and sale by him of goods and chattels for the payment of any poll-tax, shall be entitled to collect and receive for the same, such fees as constables are entitled to receive for leying [levying] upon and selling goods under execution. Fees of overseer.

SECTION 25. It shall be lawful for any overseer of highways, for the purpose of collecting any unpaid poll-taxes on his tax-list against any person or persons who shall have become liable to pay the same in money, to place such tax-list in the hands of the city marshal, or any constable of the city, who shall possess the same powers in the collection of such taxes, and be entitled to receive the like compensation, as overseers of highways in like cases. Marshal or constable may collect.

SECTION 26. Whenever any overseer of highways shall place his tax-list in the hands of a constable or Authority to officer.

the city marshal, for collection, as provided in the preceding section, he shall designate the persons named therein from whom taxes are due in money, and he shall indorse, over his signature, on such tax-list, in substance as follows:

"I hereby authorize A. B., (naming the constable or marshal,) to collect the unpaid taxes due in money on the within tax-list.

"Dated ———, 18—.

"C. D., overseer of road district No.—."

Return of officer—warrant may be renewed.

SECTION 27. The marshal or constable who shall receive any such tax-list to be collected, shall, to the best of his ability, collect the sums due in money on such tax-list from the persons who ought to pay the same, and shall, within thirty days from the date of such indorsement on said tax-list, return to the said overseer his doings thereon, and pay over all moneys so collected to such overseer. And any overseer, if he shall deem it necessary, may at once reissue such warrant and tax-list in the manner specified in the preceding section, and when so reissued, the marshal or constable shall proceed thereon as hereinabove provided.

Garnisheeing for tax.

SECTION 28. If any overseer of any road district or ward of said city shall make an affidavit, stating therein that any poll-tax amounting to (giving the amount,) is due by the terms of this act, from any person, (naming him,) that he has demanded payment thereof, and that the same was refused, and that deponent has good reason to believe that any person (naming him) has property, (describing the same,) money, credits or effects in his possession, belonging to such person liable to pay a poll-tax, or that he is indebted to such person liable to pay a poll-tax, or that he is employing at any kind of labor for him, such person liable to pay a poll-tax, and such overseer shall demand of the marshal of said city, or the sheriff, or any constable of Winnebago county, to summons such person as garnishee, such marshal, sheriff or constable shall summons such person in writing to appear before any justice of the peace, and at a time in such summons to be mentioned, not less than three days nor more than ten days from the date thereof, to answer such interrogatories as may be put to him touching his liability as garnishee.

Summons.

SECTION 29. The summons mentioned in the next

preceding section may be, substantially, in the following form, viz.:

"Winnebago County, } ss.
City of Oshkosh, }

"The state of Wisconsin to ——— ———:

"Whereas, A. B., an overseer of road district No.———, in the city of Oshkosh, has made an affidavit, stating therein that a poll-tax amounting to ——— dollars, is due from C. D., according to law; that the same has not been paid, although demanded by him; and whereas, said overseer, A. B., has made oath that you have property (describing the same) belonging to said C. D., (or are indebted to him, or are employing him:) Therefore, I hereby attach all the property and credits in your hands belonging to the said C. D., and all indebtedness due or to become due from you to said C. D. And you are hereby summoned to be and appear before J. P., a justice of the peace in and for the county of Winnebago, at his office in the city of Oshkosh, on the ——— day of ———, A. D. 18—, at ——— o'clock in the ——— noon of that day, then and there to answer, under oath, such questions as shall be put to you touching your liability as garnishee.

"Given under my hand this ——— day of ———, A. D. 18—.

"——— ———, constable."

Service of summons.

SECTION 30. The officer shall serve such summons on the garnishee, personally, at least three days before the return day, and shall return to the justice the affidavit and summons issued by him, and shall state the day when such summons was served, and make a full return of all his doings.

Liability of garnishee.

SECTION 31. The garnishee, from the time of the service of such summons, shall stand liable to such overseer, for the use of his road district or ward, to the amount of the property, money, credits and effects in his hands belonging to such person liable to pay a poll-tax, and the amount of his own indebtedness to him, as well for such indebtedness which accrued after the service of such summons as before, and for all wages due or to become due from such garnishee to such person liable to pay a poll-tax; and chapter one hundred and forty-eight of the general laws of the year one thousand eight hundred and fifty-eight, entitled "an act to exempt six-

Application of statutes.

ty days' earnings to mechanics and laborers," shall not apply to prevent the collection of such poll-tax; and no property or earnings of such person liable to pay a poll-tax shall be exempt from process for the collection of such tax.

Service of summons commencement of suit against garnishee.

SECTION 32. The service of such summons shall be deemed the commencement of an action against such garnishee and in favor of such overseer, and in his name, for the use of his road district or ward; and upon the return of the officer serving such summons, that the summons has been duly served, the justice shall enter an action in his docket, in which such overseer, for the use of his road district or ward, shall be plaintiff, and the garnishee defendant.

How suit to proceed.

SECTION 33. Such garnishee suit shall then proceed in all particulars and be governed by the same rules as garnishee suits, in which the plaintiff in an attachment suit is plaintiff, and the garnishee defendant, as prescribed in that part of chapter one hundred and twenty of the revised satutes, under the head of "of proceedings by attachment and against garnishees."

Expenditure of moneys in hands of treasurer.

SECTION 34. If, by the report of the city treasurer, on or before the third Monday in March, in each and every year, it shall appear that any moneys are remaining in his hands, belonging to each or any of said highway district or ward funds, the common council shall have power to appropriate such funds, or any part thereof so remaining unappropriated in the month of April, to repair and put in order any of the thoroughfares leading into the city, which in their judgment may require the same. The overseer of highways of the district in which such thoroughfare or roads specified are located, shall be entrusted with the expenditure of such appropriations, under the direction of said council, and draw his orders on the city treasurer, who is hereby authorized to pay the same to the amount so appropriated. The said overseer shall, in his annual report, as required to be made by section eighteen of this act, incorporate a full report of his expenditures under such appropriation.

Not applicable to certain bridges.

SECTION 35. No part of this act shall apply to ward bridges over twenty-five feet in length. Such bridges shall continue to be under the charge of the aldermen of the ward in which they are located, and be sustained at the expense of the city.

SECTION 36. No part of this act shall apply to the bridge across Fox river, within the limits of the city of Oshkosh.

SECTION 37. Chapter one hundred and twenty-three of the private [general] laws of 1862, entitled "an act to provide for keeping in repair the highways, streets, alleys and bridges of the city of Oshkosh," is hereby repealed. Repeal

SECTION 38. This act shall take effect and be in force from and after its passage.

Approved March 27, 1863.

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## CHAPTER 137.

[*Published April* 14, 1863.]

AN ACT to provide for levying a state tax for the year 1863.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There shall be levied and collected, for the year 1863, a state tax of seventy-five thousand dollars, for the estimated expenses of 1864, to be apportioned among and assessed upon the several counties of this state, as provided by law; and such tax shall be levied upon the taxable property of the state, real and personal, and collected and paid into the treasury, as provided by law. $75,000

SECTION 2. The secretary of state shall apportion said tax among the several counties of the state, as provided by law, on or before the second Monday of October next, and certify the same to the board of supervisors of each of the several counties, as provided by law. To be apportioned by secretary of state.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 28, 1863.

## CHAPTER 138.

[*Published April* 14, 1863.]

AN ACT to authorize the Chicago and Northwestern railway company to create and issue preferred capital stock, and exchange for its second mortgage bonds and coupons.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Authority to issue preferred stock.

SECTION 1. That the Chicago and Northwestern railway company shall have power, for the purpose of funding its second mortgage bonds and coupons, or any of them, to create and issue a preferred capital stock, in shares of one hundred dollars each, and to such aggregate amount as shall be necessary for the said purpose; and may establish preferences in respect to dividends, in favor of said stock, in such manner and to such extent, and with such securities as it may deem expedient; and may exchange said stock at par for all or any part of its second mortgage bonds; and may fund the coupons issued with said bonds, in said stock; and may exchange said stock at par for all or any part of said coupons.

SECTION 2. This act shall be a public act, and take effect and be in force from and after its passage.

Approved March 28, 1863.

## CHAPTER 139.

[*Published April* 14, 1863.]

AN ACT to provide for levying a state tax for the year 1863, for the support of families of volunteers.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

$200,000.

SECTION 1. There shall be levied and collected for the year 1863, a special state tax of two hundred thousand dollars, which shall be placed in the war fund, for the uses and purposes set forth in chapter 8 of the laws of the extra session of 1861, as (*further*) amended and explained by chapters 112 and 374 of the laws of 1862,

as further extended by the provisions of section one of chapter 4 of the laws of the extra session of 1862.

SECTION 2. Said tax shall be apportioned among and assessed upon the several counties of this state, as provided by law; and such tax shall be levied upon the taxable property of this state, real and personal, and collected and paid into the treasury, as provided by law. Levy and collection.

SECTION 3. The secretary of state shall apportion said tax among the several counties of the state, as provided by law, on or before the second Monday of October next, and certify the same to the clerk of the board of supervisors of each of the several counties, as provided by law. To be apportioned by secretary of state.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 28, 1863.

## CHAPTER 140.

[*Published April* 13, 1863.]

AN ACT to appropriate to the governor five thousand dollars, for contingent expenditures.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any money in the treasury not otherwise appropriated, the sum of five thousand dollars ($5,000) to Edward Salomon, as governor, for contingent expenditures in the office of governor, for the year 1863. $5,000.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 28, 1863.

## CHAPTER 141.

[*Published April* 13, 1863.]

AN ACT to appropriate to the governor, from the war fund, the sum of three thousand dollars, to be used as a military contingent fund.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

$3,000.

SECTION 1. There is hereby appropriated to the governor of this state, out of any money in the war fund not otherwise appropriated, the sum of three thousand dollars, to be used in defraying such contingent expenses as may arise in and about the organization and maintainance [maintenance] of troops from this state, for the service of the United States, the payment of which may not be provided for by existing laws of this state, or laws or regulations of the United States; and the state treasurer is hereby authorized and required to pay, upon the order of the governor of the state, out of any money in the war fund not otherwise appropriated, the sum of three thousand dollars aforesaid, or so much thereof as shall be so ordered by the governor, for the purposes aforesaid, which order or orders of the governor shall be sufficient vouchers for the payment of the said sum, or so much thereof as shall be ordered to be paid out of the war fund, as aforesaid.

Authority to treasurer.

To be drawn on governor's order

SECTION 2. The governor is hereby authorized to draw his order or orders upon the state treasurer for so much money, not exceeding the sum of three thousand dollars in all, as shall be actually necessary to carry out the objects set forth in the first section of this act; said orders to be drawn upon and paid from the war fund of the state.

Report.

SECTION 3. The governor is hereby required to make out and report to the legislature, at its next session, a full and explicit statement of the amount of money expended by and under the authority conferred upon him by this act.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 28, 1863.

## CHAPTER 142.

[*Published April* 14, 1863.]

AN ACT to appropriate to the Wisconsin state reform school the sum of four thousand dollars.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of four thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, to the Wisconsin state reform school, for the expenses and improvements of the ensuing year. $4,000 for improvements.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 28, 1863.

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## CHAPTER 143.

[*Published April* 15, 1863.]

AN ACT to appropriate to the Wisconsin institute for the education of the deaf and dumb, and the trustees thereof, the sums of money therein named.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of thirteen thousand five hundred dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, to the Wisconsin institute for the education of the deaf and dumb, as current expenses for the ensuing year. $13,500 for current expenses.

SECTION 2. The sum of three hundred dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, to the Wisconsin institute for the education of the deaf and dumb, for the expenses of the indigent deaf and dumb. $300 for expenses of indigent.

SECTION 3. The sum of two hundred dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, to the trustees of the Wisconsin institute for the education of the deaf and dumb, $200 for drainage.

for drainage purposes upon the grounds of the institute.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 28, 1863.

## CHAPTER 144.

[*Published April* 15, 1863.]

AN ACT to appropriate to the Wisconsin state hospital for the insane, and to the trustees thereof, the sum of thirty-one thousand dollars.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

$30,000 for current expenses.

SECTION 1. The sum of thirty thousand dollars is hereby appropriated to the Wisconsin state hospital for the insane, out of any money in the treasury not otherwise appropriated, for current expenses of the ensuing year.

$1,000 for improvement of grounds.

SECTION 2. The sum of one thousand dollars is hereby appropriated to the trustees of the Wisconsin state hospital for the insane, for the purpose of improving the hospital grounds.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 28, 1863.

## CHAPTER 145.

[*Published April* 15, 1863.]

AN ACT to appropriate to the Wisconsin institute for the education of the blind, and to the trustees thereof, the sum of fourteen thousand dollars.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

$12,000 for current expenses.

SECTION 1. There is hereby appropriated the sum of twelve thousand dollars, out of any money in the

treasury not otherwise appropriated, to the Wisconsin institute for the education of the blind, for current expenses for the ensuing year.

SECTION 2. The sum of two thousand dollars is hereby appropriated to the trustees of the Wisconsin institute for the education of the blind, for the purpose of repairing and renewing the heating apparatus of the said institute. $2,000 for heating apparatus.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 28, 1863.

## CHAPTER 146.

[*Published April* 15, 1863.]

AN ACT to amend an act entitled "an act to amend and consolidate chapter forty-nine of the private laws of 1855, entitled 'an act to incorporate the village of Madison into a separate school district,'" and all the acts amendatory thereof.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The board of education shall hold an annual meeting, for the examination of teachers, at such time as they may by resolution determine. A public notice of such meeting shall be advertised in at least two newspapers published in the city of Madison. The board of education shall grant certificates of qualification to all teachers who shall pass a satisfactory examination at such meetings. Such certificates of qualification shall be signed by the superintendent, and be attested by the clerk of the board. The teachers in the public schools of the city of Madison, shall be chosen from those to whom the board of education shall have granted certificates of qualification. Annual meeting for examination of teachers. Certificates of qualification, &c.

SECTION 2. Subdivision six of section eleven of the act of which this is amendatory, is hereby amended, so as to read: "To contract with all teachers for said district, from the number of those to whom the board shall have granted certificates of qualification, and at their pleasure to remove them." Amendment.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 28, 1863.

## CHAPTER 147.

[*Published April* 15, 1863.]

AN ACT to vacate certain additions to the city of La Crosse, and certain village plats in the county of La Crosse.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Additions vacated.

SECTION 1. The following additions to the city of La Crosse, in the county of La Crosse, are hereby vacated, viz.: Smith and Batchelder's addition, [and] all that portion of B. B. Healey's addition lying and being south of Tyler street, in said city of La Crosse.

Village plats vacated.

SECTION 2. The village plats of the village of South La Crosse, located and platted on the north-east quarter of the north-east quarter, and fractional lots one and seven, of section twenty-eight, in township fifteen, north of range seven west, [and] all that part of the village plat of the village of Neshonoc, lying east of the west line of Center street, north of the south line of Mill street, east of the west line of the alley in block seven, and south of the north line of Mentoria avenue, and north of the south line of Third street, west of the west line of Main street, are hereby vacated: *provided*, that any person or persons owning a lot or lots in either of the aforesaid additions, or in the plat of Neshonoc, or of South La Crosse, for the purposes of sale or paying taxes thereon, may describe such lot as heretofore, to wit: as lot —, of block —, in ——— addition, or in said village of Nechonoc, or South La Crosse.

Proviso.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 28, 1863.

# CHAPTER 148.

[*Published April* 7, 1863.]

AN ACT to empower the town of Spring Valley, in the county of Rock, to levy a tax for the payment of bounties to volunteers.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Money may be raised to pay bounties advanced or pledged.

SECTION 1. The qualified electors of the town of Spring Valley, in the county of Rock, shall have power, at any legal meeting thereof, to vote to raise such sum or sums of money as they may deem necessary, for the payment of bounties to volunteers, residents of said town, mustered into the service of the United States or of this state, which has been heretofore pledged to such volunteers, or which has been paid or advanced, or to the discharge of any liabilities incurred by any person or persons, for or on account of any bounties pledged or paid to such volunteers.

Auditing and payment of claims.

SECTION 2. In case the qualified electors of said town shall vote to raise any sum or sums of money, in accordance with the provisions of section one of this act, the board of supervisors of said town are hereby authorized and empowered to audit all claims and demands of all persons for money paid or liabilities incurred for such bounties, and to draw orders on the town treasury for the payment of all sums so audited and allowed by them, to be paid out of the money voted or raised under the provisions of this act; and all moneys voted to be raised by virtue of the provisions of this act, shall be assessed and collected in the same manner as other town taxes.

Special meetings.

SECTION 3. Special town meetings may be called for the purposes specified in this act, in the manner now provided by law for calling special town meetings.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 28, 1863.

## CHAPTER 149.

[*Published April* 7, 1863.]

AN ACT to approve and confirm the form of conveyances heretofore executed by the city of Janesville, of lands sold for unpaid taxes due to said city.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Deeds and conveyances declared valid.

SECTION 1. All deeds or conveyances of lands sold for taxes due to the city of Janesville, heretofore or hereinafter [hereafter] executed and issued, pursuant to and in conformity with chapter 108 of the private and local laws of the year 1858, entitled "an act to reduce the law incorporating the city of Janesville, and the several acts amendatory thereof, into one act, and amend the same," approved March 25th, 1858, shall be as valid and effectual, for all purposes, as if said deeds or conveyances had been executed and issued in conformity to chapter 22 of the general laws of 1859, entitled "an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof," approved February 19th, 1859, and the several acts supplemental thereto and amendatory thereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 28, 1863.

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## CHAPTER 150.

[*Published April* 7, 1863.]

AN ACT to amend chapter 161 of private and local laws of (*A. D.*) 1858, entitled "an act to amend chapter 344 of the private and local laws of (*A. D.*) 1856, entitled 'an act to incorporate the village of Delavan.'"

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amendments.

SECTION 1. Section 12 of chapter 161 of the private and local laws of (*A. D.*) 1858, is hereby amend-

ed, by inserting after the words "and shall not be withdrawn therefrom, except," and before the words "on a written order," the words "in pursuance of an appropriation made by the board of trustees; and"—.

SECTION 2. Section 17 of said act is hereby amended, by adding thereto the following words: "Nineteenth. To license and regulate taverns, groceries, saloons, victualing houses, and all persons dealing in spirituous liquors, and to provide for the punishment of all unlicensed vending of the same: *provided*, that no license shall be granted for the sale of spirituous or fermented liquors for a less sum than twenty-five dollars." Licenses not less than $25.

SECTION 3. All laws and parts of laws conflicting with the provisions of this act, are hereby repealed. Repeal.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 28, 1863.

## CHAPTER 151.

[*Published April* 14, 1863.]

AN ACT to amend section 21 of chapter 130 of the revised statutes, entitled "of proceedings against debtors by attachment."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section twenty-one of chapter one hundred and thirty of the revised statutes, is hereby amended, so as to read as follows: "Section 21. Whenever the defendant shall have appeared in the action, he may, at any time before judgment therein, deliver to the officer having the writ of attachment, an undertaking executed by at least two sureties, who shall be residents and freeholders in this state, to be approved by said officer, to the effect that the parties executing such undertaking will, on demand, pay to the plaintiff the amount of the judgment and costs and disbursements that may be recovered in the action, not exceeding the sum specified in the undertaking, which shall be at least double the amount alleged to be due in the affida- When defendant may execute undertaking.

vit upon which the writ of attachment is issued. Before the officer shall approve of the undertaking, at least one of the party signing the same as surety, shall make an affidavit that he is worth the sum specified therein, over and above all debts, liabilities and exemptions, which affidavit shall be indorsed upon such undertaking or annexed thereto."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 28, 1863.

## CHAPTER 152.

[*Published April* 15, 1863.]

AN ACT to provide for the inspection, repair and control of plank, gravel and other toll roads constructed by companies incorporated by, or which may hereafter be incorporated by, special acts of the legislature.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Statutes applicable to plank, gravel and other roads.

SECTION 1. All that portion of the revised statutes of 1858 which is contained between section 38 and section 59 of chapter 69, and as amended by chapter 202 of the general laws of 1859, shall apply to plank, gravel, turnpike and all other roads, however constructed, authorized to be constructed by companies incorporated or which may hereafter be incorporated by special acts of the legislature, and shall have the same effect when applied to such companies and such roads, as in the case of roads constructed by companies incorporated under chapter sixty-nine of the revised statutes, and without special amendation of such special acts.

Ibid.

SECTION 2. Chapter 380 of general laws of 1860, entitled "an act relating to repairs of plank and turnpike roads," shall apply to plank, gravel, turnpike and all other roads, however constructed, in like manner and effect as is provided for [by] chapter 69 of the revised statutes, in the preceding section.

May collect toll.

SECTION 3. After the filing of such certificate, as is provided for by section 2 of chapter 380 of the general

laws of 1860, the supervisors of the town, the mayor of the city, or the trustees of the village in which the road or the parts thereof needing repair may be situated, and have been repaired, are hereby authorized to demand, collect and receive tolls for passage over such length or section of road from gate to gate, any portion of which section may have been repaired, as provided by law, until such town, city or village shall have been repaid the costs of the repairs, with interest at the rate of seven per centum per annum, by such person or corporation as may be authorized to make such payment.

How to be applied.

SECTION 4. The tolls which the supervisors of any town, the mayor of any city, or the trustees of any village may have received or collected, shall be paid into the treasury of such town, city or village, and be applicable to the repairs of highways and bridges.

Road to be kept in good repair.

SECTION 5. It shall be the duty of the supervisors of any such town, the mayor of any such city, or the trustees of any such village, to keep the road upon which such repairs have been made by such supervisors, mayor or trustees, in good and sufficient repair during the period of collection of tolls for the uses of any such town, city or village; and should the necessary costs of such repairs exceed the sum so collected, then such excess shall be added to and included in the statement of amounts expended, and to be repaid to such town, city or village.

Repeal.

SECTION 6. Chapter 365 of the general laws of 1860, and all acts or parts of acts contravening the provisions of this act, are hereby repealed.

SECTION 7. This act shall take effect from and after its passage.

Approved March 28, 1863.

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## CHAPTER 153.

[*Published April 7, 1863.*]

AN ACT to authorize John Ehlers to build and maintain a dam across the Milwaukee river, in Milwaukee county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

May erect dam and mills.

SECTION 1. John Ehlers, his successors, heirs and assigns, are hereby authorized to build and maintain a

dam across the Milwaukee river, on the south-west quarter of section one, in township number eight, north of range number twenty-one, east of the fourth principal meridian, in the town of Granville, in the county of Milwaukee; and also to erect mills and machinery thereon, and in any manner to use the water for hydraulic purposes.

Liable for damages.

SECTION 2. That if any lands shall be overflowed by reason of the erection and maintenance of the said dam, belonging to any person or persons other than the said John Ehlers, his successors, heirs or assigns, unless the owners of such land shall consent thereto, the said John Ehlers, his successors, heirs and assigns shall be liable for and shall pay such damages therefor as shall be just and reasonable to the party or parties aggrieved.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 28, 1863.

## CHAPTER 154.

[*Published April* 13, 1863.]

AN ACT to authorize the governor to furnish tourniquets for the use of volunteers.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Tourniquets to volunteers.

SECTION 1. The governor of this state is hereby authorized to procure for and furnish to the Wisconsin volunteers, now in the United States service, or which may hereafter be called into the United States service, such number of tourniquets as he may deem proper, not to exceed one hundred in number for each regiment of infantry, and in like proportion to the several regiments of cavalry, batteries of artillery, and independent companies; to be paid for by the treasurer, upon the warrant of the governor, out of any funds in the treasury belonging to the war fund, not otherwise appropriated.

SECTION 2. The tourniquets thus furnished shall not be considered the private property of the soldiers, but shall be accounted for to the quartermaster of the regiments to which said troops belong. Not to be considered private property.

SECTION 3. There is hereby appropriated out of any money in the treasury belonging to the war fund, not otherwise appropriated, a sum of money sufficient to enable the governor to carry out the provisions of section one of this act. Appropriation.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 28, 1863.

## CHAPTER 155.

[*Published April 8, 1863.*]

AN ACT to codify the laws of this state relating to common schools.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

### ORGANIZATION OF SCHOOL DISTRICTS.

SECTION 1. The board of supervisors in each town in this state shall have power to form and alter school districts in the manner hereinafter set forth. Supervisors to form and alter districts.

SECTION 2. The formation of a school district shall be by written order of the board of supervisors, describing the territory embraced in such district, which order shall be filed with the town clerk, and it shall be the duty of the supervisors, within twenty days thereafter, to deliver to a taxable inhabitant of the district a notice in writing, describing its boundaries and appointing a time and place for the first district meeting. How districts shall be formed.

SECTION 3. The supervisors shall, in such notice, direct such inhabitant to notify every qualified voter of the district, either personally or by leaving a written notice at his place of residence, of the time and place of such meeting, at least five days before the time appointed therefor; and it shall be the duty of such inhabitant to notify the voters of such district, agreeably to the requirements of said notice, and endorse thereon a return containing the names of the persons by him notified; and said notice and return shall be recorded Notice for first meeting—how given.

as a part of the record of the first meeting in such district.

Notice when meeting is not held.

SECTION 4. In case such notice shall not be given, or the inhabitants of a district shall neglect or refuse to assemble or form a district meeting when so notified, or in case any school district having been formed or organized shall afterwards be dissolved, so that no competent authority shall exist therein to call a special district meeting in the manner hereinafter provided, notice shall be given by the town supervisors, and served in the manner prescribed in the preceding section.

Duty of electors to meet.

SECTION 5. Whenever a district meeting shall be called in the manner prescribed in the preceding sections of this chapter, it shall be the duty of the electors of the district to assemble at the time and place mentioned in such notice.

Districts—when to be deemed organized.

SECTION 6. Every school district shall be deemed duly organized when any two of the officers elected at the first legal meeting thereof shall have consented to serve in the offices to which they have been respectively elected, by a written acceptance thereof, filed with the clerk and recorded by him; and every school district shall be considered as legally organized, after it shall have exercised the franchises and privileges of a district for the term of two years.

School district a body corporate

SECTION 7. Every school district organized in pursuance of this chapter, or which has been organized under any previous law of the state or territory of Wisconsin, shall be a body corporate, and shall possess the usual powers of a corporation for public purposes, by the name and style of "school district number ——," (such number as shall be designated by the town supervisors in the formation thereof,) of ——, (the name of the town or towns in which the district is situated,) and in that name shall sue and be sued, and be capable of contracting and being contracted with, and of holding such real and personal estate as is authorized to be purchased by the provisions of this chapter, and of selling the same.

May contract and be contracted with.

QUALIFICATIONS OF VOTERS.

Persons entitled to vote.

SECTION 8. Every person shall be entitled to vote in any school district meeting of this state, who is qualified to vote at a general election for state and county officers, and who shall have resided for the last ten days in the district where he may offer to vote.

SECTION 9. If any person offering to vote at a school district meeting shall be challenged as unqualified by any legal voter in such district, the chairman presiding at such meeting shall declare to the person challenged the qualifications of a voter; and if such person shall declare that he is a voter, and if such challenge shall not be withdrawn, the chairman shall tender him the following oath or affirmation: "You do solemnly swear (or affirm, as the case may be,) that you have been an actual resident of this school district for the last ten days, and that you are qualified according to law to vote at this meeting." And every person taking such oath or affirmation, shall be permitted to vote on all questions proposed at such meeting; but if the person shall refuse to take such oath or affirmation, his vote shall be rejected. Proceeding when a vote is challenged.

ALTERATION OF DISTRICTS.

SECTION 10. Whenever the town supervisors shall contemplate an alteration of the boundaries of a school district, they shall give at least five days' notice in writing to the clerk of the district or districts to be affected thereby, stating in such notice the time and place when and where they will be present to hear and decide upon such proposed alteration; and it shall be the duty of such clerk or clerks immediately to notify the other members of the board. Notice of alteration of districts.

SECTION 11. In all cases where an alteration of the boundaries of a school district shall be made, the town supervisors shall, within three days thereafter, give notice thereof, by filing a copy of the order so altering the same, with the town clerk, and with the clerk of the district or districts affected by such alteration; and no alteration of any school district, made without the consent of a majority of the district board endorsed on such order, shall take effect until three months after notice given as above specified; nor shall any alteration of an organized school district be made to take effect between the first day of December in any one year, and the first day of April following. When alterations cannot take immediate effect.

SECTION 12. When a new district is formed, in whole or in part, from one or more districts possessed of a school house or entitled to other property, the town supervisors, at the time of forming such new district, shall ascertain and determine the proportion of the Supervisors to determine sum due new districts.

value of the school house and other property justly due to such new district.

Disposition of property belonging to old district.

SECTION 13. Such proportion shall be ascertained and determined according to the value of the taxable property of the respective parts of such former district at the time of the division, by the best evidence within the reach of the town supervisors; and such amount of any debt due from the former district, which would have been a charge upon the new, had it remained in the former district, shall be deducted from such proportion.

Amount to be paid to new district—how certified.

SECTION 14. The supervisors shall certify to the district clerk of the district retaining the school house or other property, the amount ascertained by them as the proportion to be paid to the new district, and such amount shall be embodied in the statement of taxes required by section sixty-two of this chapter to be made by the district clerk to the town clerk, on the fourth Monday in November, in each year, and when collected shall be paid to the treasurer of the new district, to be applied towards procuring a school house for such district; and the money so paid to the new district shall be allowed to the credit of the taxable property taken from the former district, in reduction of any tax that may be imposed on said taxable property in the new district for the building of a school house: *provided*, that in case the new district shall have raised a tax and erected or provided for itself a school house, before the former district shall have raised and paid over to the treasurer of the new district the amount in this section provided to be raised and paid over, it shall be the duty of the treasurer of the new district, in whose hands said amount so paid over may at any remain, to pay over, on demand, the sum so paid him or his predecessor by the former district, to the individuals to whose credit the same would have gone had said sum been raised and paid over by the former district before the said school house was erected or provided by the new district: and should such treasurer refuse, on demand by any party entitled thereto, to pay over to him his just proportion of said amount, the same may be collected in a suit at law by said party, upon the official bond of such treasurer.

When school house has been built.

Districts formed from two or more towns.

SECTION 15. Whenever it shall be necessary to form a district from two or more adjoining towns, the supervisors of such adjoining towns shall meet together and

form such district, and deliver the notice of formation to a taxable inhabitant of such district, whose duty it shall be to serve such notice as provided in the third section of this chapter; and any district so formed may be altered or regulated by the joint action of the supervisors of all the towns forming such district, in the same manner that other districts are altered and regulated.

Supervisors to take charge of disorganized districts.

SECTION 16. Whenever any district shall become disorganized by the operation of the law in relation to the alteration of districts, the supervisors shall take charge of the property belonging to the district at the time of its disorganization, dispose of the same by grant or otherwise, and apply the proceeds to the discharge of its debts, paying over the balance, if any, to the treasurers of the districts to which the territory has been attached, in proportion to the valuation of the property so attached to each, as appears from the last assessment roll of the town.

DISTRICT MEETINGS.

Annual meeting —when held.

SECTION 17. The annual meeting of each school district shall be held on the last Monday of September, in each year. The hour of such meeting shall be seven o'clock in the afternoon, unless otherwise provided by a vote of the district, duly recorded, at the last previous annual meeting: *provided*, that at the annual meeting of any school district held after the passage of this act, a majority of the electors of said district may determine that the annual meeting of such district shall be held upon the last Monday in August, in each year; said determination to take effect when a copy of the proceedings of said annual meeting shall have been filed with the town clerk of the town in which said district, (or in case of a joint district, in which the school house of such district) is situated, and to remain in force until rescinded by a vote of a majority of the electors of said district; the meeting held in pursuance of such determination to be deemed the legal annual meeting of said district, the same as if held upon the last Monday of September, in each year.

May be held on last Monday of August.

Not illegal for want of notice.

SECTION 18. No annual meeting shall be deemed illegal for want of due notice, unless it shall appear that the omission to give such notice was wilful [willful] and fraudulent.

Powers of electors at annual meeting.

SECTION 19. The inhabitants qualified by law to vote at a school district meeting when assembled at the first and each annual meeting in their district, shall have power:

Chairman.

1st. To appoint a chairman for the time being.

Adjournment.

2d. To adjourn from time to time as occasion may require.

Officers.

3d. To choose a director, treasurer and clerk.

Site.

4th. To designate a site for a district school house.

Tax for site, &c.

5th. To vote such tax on the taxable property of the district as the meeting shall deem sufficient to purchase or lease a suitable site for a school house, to build, hire or purchase such school house, and to keep in repair and furnish the same with the necessary fuel and appendages: *provided*, that no district containing a population of less than two hundred and fifty inhabitants, shall have power to levy or collect a tax for building, hiring or purchasing a school house, of more than three hundred dollars in any one year, unless the supervisors of the town in which such school house is to be situated, shall certify in writing that in their opinion a larger sum should be raised, and shall specify such sum, in which case an amount not exceeding the sum specified may be raised; *and provided, further*, that no district shall have power to raise or collect in any one year for the purposes above specified, more than five hundred dollars, unless the supervisors shall certify as above set forth.

Limit to tax.

Ibid.

Teachers' wages.

6th. To vote a tax on the taxable property of the district, of such sum as the meeting shall deem proper for the payment of teachers' wages in the district: *provided*, that no district containing a population of less than two hundred and fifty inhabitants, shall hereafter have power to levy and collect a tax for school purposes in such district, of more than three hundred dollars in any one year.

Limit

Sale of school house, &c.

7th. To authorize and direct the sale of any school house, site or other property belonging to the district, when the same shall be no longer needed for the use of the district.

Tax for liabilities.

8th. To impose such tax as may be necessary to discharge any debts or liabilities of the district lawfully incurred.

Tax for globes, &c.

9th. To vote a tax not exceeding fifty dollars in any one year, for the purchase of globes, black-boards, out-

line maps, or any apparatus for illustrating the principles of agriculture, chemistry or the mechanic arts.

10th. To vote a tax on the district, not exceeding thirty dollars in any one year, for a district library, consisting of such books as they may direct their district board, or any other person, at a district meeting, to purchase, and such further sum as they may deem necessary for the purchase of a book-case. Tax for library.

11th. To authorize the district board to admit to the privileges of the school, persons not residing in the district, whenever such admission will not interfere with the accommodation or instruction of the scholars residing therein, and to fix a fee for tuition per term, quarter or year, to be charged the person thus admitted. May admit scholars not residing in district.

12th. To determine the length of time a school shall be taught in their district the then ensuing year, which shall not be less than three months and whether such school shall be taught by a male or female teacher, or both, and whether the school moneys to which the district is entitled from the common school fund, and from the town, shall be applied to the support of the summer or winter school, or a certain portion to each; but if such matters shall not be determined at the annual meeting, the district board shall have power and it shall be their duty to determine the same. Time school shall be taught.

13th. To give such direction, and make such provision as may be deemed necessary in relation to the prosecution or defense of any action or proceeding in which the district may be a party or be interested. Prosecutions.

14th. To alter, repeal and modify their proceedings as occasion may require. Alter proceedings.

SECTION 20. It shall be the duty of the clerk to give at least six days' previous notice of every annual district meeting, by posting notices therefor in four or more public places in the district, one of which notices shall be affixed to the outer door of the school house, if there be one in the district; and he shall give the like notices for every adjourned district meeting, when such meeting shall have been adjourned for a longer period than one month. Six days' notice to be given.

SECTION 21. Special district meetings may be called by the clerk, or in his absence by the director or treasurer, on the written request of five legal voters of the district, in the manner prescribed for calling an annual meeting, and the inhabitants qualified by law to How special meetings may be called.

vote, when lawfully assembled at a special meeting, shall have power to transact the same business as [at] the first and each annual meeting, except the election of officers: *provided*, that the business to be transacted shall have been particularly specified in the notices calling the same; *and provided, further*, that no tax shall be voted at a special meeting unless three-fourths of the legal voters shall have been notified either personally or by leaving a written notice at their places of residence, stating the time, place and objects of the meeting, at least six days before the time appointed therefor.

Business at special meetings

UNION OR HIGH SCHOOL DISTRICTS.

How to form union districts

SECTION 22. Whenever two-thirds of the legal voters of any two or more adjoining school districts shall, at any annual meeting, by vote, determine to form a union district for high school purposes, it shall be the duty of the clerks of the districts so voting to furnish the town supervisors a certified copy of the minutes of said meeting, together with the names of those voting for and against said proposition. Upon receiving such notice it shall be the duty of the town supervisors to determine and establish the boundaries of said union district, and file a copy of such order with the town clerk. They may also, upon application, include persons and lands in adjoining districts in said union districts, according to their discretion.

Board of union district.

SECTION 23. The control of such union district shall be vested in a board consisting of director, treasurer and clerk, who shall be elected in the same manner and hold the offices the same as officers of common school district boards, subject to the same rules and penalties: *provided*, that the town supervisors shall have power to appoint the first board of such union district.

First board.

Taxes—how levied and collected

SECTION 24. The expenses of said union school district incurred in purchasing or leasing school houses or sites, in building or repairing school houses, out houses, fences, &c., in hiring teachers, and in establishing and carrying on said high school, shall be defrayed by a tax upon the real and personal property of said union district, to be called the union high school tax. Said tax shall be voted by said union district, at its annual or special meetings, and shall be levied and collected in the manner hereinafter provided for the assessment and

collection of district taxes. No fee for tuition shall be charged or collected except from scholars not residing in the union district, who may be required to pay such fee as shall be prescribed by the board, which fee or fees shall go into the general fund of said union district. Tuition fee.

SECTION 25. The board of said union district shall determine the standard of qualification necessary for admission, the branches to be taught, and the books and apparatus to be used in said high school; and shall have and exercise all the powers granted by law to the boards of common school districts. Powers of union district board.

SECTION 26. The annual meeting of the union school districts shall be held on the Wednesday after the last Monday in September, in each year, and such meeting shall have power to transact all business, as prescribed in section nineteen of this chapter. Annual meeting in September.

SECTION 27. Special meetings may be held as provided in section twenty-one of this chapter. Special meetings.

SECTION 28. When it is proposed to form union districts of territory lying in two or more adjacent towns, then the respective supervisors of those towns shall act in concert in the formation of such union district, as required in the formation of joint common school districts. Joint union districts.

SECTION 29. The boundaries of any union school district, formed in accordance with the provisions of this chapter, may be altered in the same manner that the boundaries of common school districts are altered; and the provisions of law governing the action of town supervisors in relation to the alteration of common school districts, shall, so far as the same are applicable, be applied in the alteration of union school districts: *provided*, that no union school district shall be disorganized, unless a majority of the electors shall, at an annual meeting, vote for such disorganization. How boundaries may be altered. Disorganization.

SECTION 30. Nothing in this act relating to union school districts shall be so construed as to impair or affect the organization of primary districts within such union district. Primary districts not affected.

DISTRICT OFFICERS.

SECTION 31. The officers of each school district shall be a director, treasurer and clerk, who shall hold their respective offices for three years, and until their successors shall have been chosen or appointed, but not Officers of school districts.

How chosen.

beyond ten days after the expiration of their term of office, without being again elected or appointed: *provided*, that at the first election of such officers, in any newly organized district, the clerk shall be chosen for one year, the treasurer for two years, and the director for three years; and thereafter, each officer shall be chosed for three years. Any person present at a school district meeting, at which he shall be elected one of the district board, shall be deemed to be notified thereof, and any person so elected, and not present, shall be notified thereof by the clerk of said meeting, within five days thereafter; and unless each person elected and notified shall, within ten days after his election, file with the clerk his refusal in writing to accept the office, he shall be deemed to have accepted the same.

Notification and acceptance.

DIRECTORS.

Director to countersign orders.

SECTION 32. It shall be the duty of the director of each district to countersign all orders legally drawn by the clerk upon the treasurer of the district.

To appear for district.

SECTION 33. The director shall appear for and on behalf of the district, in all actions brought by or against the district, when no other direction shall be given by the qualified voters of such district, at a district meeting.

To prosecute treasurer.

SECTION 34. In case of any breach of the condition of the treasurer's bond, the director shall cause an action to be commenced thereon, in the name of the district, and the money, when collected, shall be applied by such director to the use of the district, as the same should have been applied by the treasurer.

TREASURER.

Treasurer to give bond.

SECTION 35. The treasurer of each district shall, within ten days after his election, execute to the district and file with the clerk, a bond in double the amount of money, as near as can be ascertained, to come into his hands as treasurer, with sufficient sureties, to be approved by the director and clerk, conditioned for the faithful discharge of the duties of his office, and if he shall fail to do so, his office shall be vacant, and the board shall thereupon appoint a treasurer, who shall be subject to the same conditions and possess the same powers as if elected to that office.

Additional security may be demanded.

SECTION 36. Whenever the director and clerk of any school district shall deem the security upon the bond of

the treasurer insufficient, they shall have the right to demand additional security, and the refusal or neglect of the treasurer to furnish such additional security, within ten days thereafter, shall vacate his office.

Treasurer to receive and pay over moneys.

SECTION 37. It shall be the duty of the treasurer of each school district to apply for and receive from the town treasurer all school moneys apportioned to the district or collected for the same by the said town treasurer, and to pay over on the order of the clerk and director of such district, all moneys received by him.

To enter receipts and disbursements.

SECTION 38. The treasurer shall keep a book in which he shall enter all the moneys received and disbursed by him, specifying particularly the sources from which money has been received, and the person [persons] to whom and the objects for which the same has been paid out. He shall present to the district at each annual meeting a report in writing, containing a statement of all moneys received by him during the preceding year, and of the disbursements made by him, with the items of such disbursements, and exhibit the vouchers therefor; and at the close of his term of office, shall settle with the district board, and shall hand over to his successor said book, and all receipts, vouchers, orders and papers coming into his hands as treasurer of the district, together with all moneys remaining in his hands as such treasurer.

To report annually.

CLERK.

Clerk to report names of district officers.

SECTION 39. It shall be the duty of the clerk of each school district, within ten days after the election or appointment of any school district officer, to report the names and postoffice address of such officers to the town clerk of his town, or, in case it be a joint district, to the town clerk of each town in which any part of the district is situated; to record the proceedings of the district board, and of each district meeting, in a book to be provided by the district for that purpose; to enter therein copies of all reports made by him to the town clerk; to make therein, or in some suitable book provided for the purpose, an accurate record of all orders drawn upon the treasurer, and to keep and preserve all records, books and papers belonging to his office, and deliver the same to his successor in office.

To make and keep records.

To draw orders on treasurer.

SECTION 40. It shall be the duty of the clerk to draw orders on the treasurer of the district for moneys in the hands of such treasurer, which has been apportioned to or raised by the district, to be applied to the payment of teachers' wages, and apply such moneys to the payment of such teachers as shall have been employed by him in the name of the district, and also to draw orders on said treasurer for moneys in his hands to be disbursed for any other purpose for which the same shall have been voted by the district, agreeably to the provisions of this chapter: *provided*, each order shall designate the object for which it is drawn, and shall be countersigned by the director.

When temporary clerk may be appointed.

SECTION 41. He shall be the clerk of the district, and of all district meetings, but if he shall not be present at any district meeting, the qualified voters may appoint a clerk of such meeting, who shall certify the proceedings thereof, and the same shall be recorded by the clerk of the district.

Clerk to contract with and hire teachers.

SECTION 42. The clerk shall contract with and hire qualified teachers for and in the name of the district, which contract shall be in writing, and shall have the consent of the director or treasurer, or both, endorsed thereon, and shall specify the wages per week or month as agreed upon by the parties, and such contract, so completed, shall be filed in his office.

Annual report—what to show.

SECTION 43. It shall be the duty of the clerk, between the first and tenth days of September, in each year, to make and transmit to the town, city or village clerk, a written report, dated on the first day of September, in the year in which it shall be transmitted, signed by said district clerk, and verified by his affidavit, showing:

Children in district.

1st. The number of children, male and female designated separately, over the age of four and under the age of twenty years, residing in the district on the last day of August previous [previously] to the date of such report.

Number attending school between certain ages.

2d. The number attending school during the year under the age of four, and the number over the age of twenty years.

Whole number.

3d. The whole number that have attended school during the year.

Time school has been taught.

4th. The number of days a school has been taught during the year by a qualified teacher, the name of

each teacher, the length of time taught by each, and the wages paid to each.

5th. The whole number of days that scholars over the age of four and under the age of twenty years, have attended the school during the year. Time certain scholars have attended.

6th. The amount of moneys received from the town treasurer within the year, and the manner in which the same has been applied. Money received from treasurer.

7th. The amount raised by the district in such year, and the purposes for which it was raised. Amount raised by district.

8th. The kind of books used in the school. Books used.

9th. Such other facts and statistics in regard to the school and the subject of education as the state superintendent may direct. Other statistics.

SECTION 44. The clerk of each joint school district shall report to the town clerk of each town, a part of which is embraced in such district, the number of children residing in such part, and the number of months a school has been taught in the district by a qualified teacher, setting forth the remainder of the items specified in the preceding section, in the report made to the clerk of the town in which the school house is situated. Report of joint district clerk.

SECTION 45. The clerk of each school district shall furnish, at the expense of the district, a school register, in the form prescribed by the state superintendent of public instruction, in which every teacher in the district shall be required to the enter the names, ages and studies of all the scholars attending school, and, daily, their attendance and absence; which register shall be deposited with the clerk at the end of each term. School register—what to contain.

DISTRICT BOARD.

SECTION 46. The director, treasurer and clerk shall constitute the district board. District board.

SECTION 47. The district [board] shall purchase or lease such a site for a school house as shall have been designated by the district, in the corporate name thereof, and shall build, hire or purchase such school house out of the funds provided for that purpose, and make sale of any school house, site or other property belonging to the district, and, if necessary, execute a conveyance of the same in their name of office, when lawfully directed by the qualified voters of such district, at any annual or special meeting. Powers relative to school house and site.

Care of school house.

SECTION 48. The said board shall have the care and keeping of the school house and other property belonging to the district, except so far as the same shall be especially confided to the care of the clerk, including all books purchased by the district for the use of any children.

Expenses of care and repair of school house—how paid.

SECTION 49. The district board shall provide the necessary appendages for the school house, and keep the same in good condition and repair during the time a school shall be taught therein; and they shall keep an accurate account of all expenses incurred by them, and present such account for allowance to the qualified voters, at a regular district meeting; and the amount of such account, as allowed by such meeting, may be assessed and collected in the same manner as other district taxes, but no such account shall be allowed at a special district meeting, unless the intention to present the same shall be specified in the notice for such meeting.

Vacancies—how filled.

SECTION 50. The said board shall have power to fill by appointment, any vacancy that may occur in their own number, within ten days after such vacancy shall occur; and if such vacancy shall not be filled within ten days, as aforesaid, by said board, it shall be the duty of the town clerk to fill such vacancy by appointment. Any person appointed to fill a vacancy, upon being notified of such appointment, shall be deemed to have accepted the same, unless he shall, within five days thereafter, file with the clerk or director a written refusal to serve.

School books for indigent pupils.

SECTION 51. The district board may purchase, at the expense of the district, when parents or guardians may not be able to furnish the same, such school books as in their judgment may be necessary for the use of any children attending school in their district, and they may include the amount of such purchase in any tax to be collected in such district.

Board to make rules and regulations.

SECTION 52. The board shall have power to make all needful rules and regulations for the organization, graduation and government of the school or schools established in the district; said rules to take effect and be in force when a copy of the same, signed by a majority of the board, shall be filed with the clerk; to suspend any pupil from the privileges of the school for non-compliance with the rules established by them, or

by the teacher, with their consent; and to expel from school any pupil who shall persistently refuse or neglect to obey the rules and regulations above mentioned, whenever, upon due examination, they shall become satisfied that the interests of the school demand such expulsion. May expel pupils.

SECTION 53. The board in each school district shall have power, under the advice of the superintendent of public instruction, to determine what school and text books shall be used in the several brances [branches] taught in the school of such district. Board to select text books.

SECTION 54. It shall be the duty of the district board to visit the school or schools under their care, to examine into the condition of the school and the progress of the pupils, to advise and consult with the teacher in reference to methods of instruction, management and government, and to exercise such general supervision as is necessary to carry out the provisions of this chapter. Board to supervise schools.

WHAT SHALL BE TAUGHT IN SCHOOLS.

SECTION 55. In every district school there shall be taught, in the English language, orthography, reading, writing, English grammar, geography and arithmetic, during the time such school shall be kept, and such other branches of education as may be determined upon by the district board. Branches to be taught.

TOWN TREASURER.

SECTION 56. It shall be the duty of the town treasurer of each town: Duties of town treasurer.

1st. To apply for and receive from the county treasurer all moneys apportioned for the use of common schools in his town, and to pay the same, together with all moneys raised in the town for the support of schools, to the treasurers of the districts entitled to receive them, upon the order or apportionment of the town clerk. Receive moneys, and pay district treasurers.

2d. To pay over to the district treasurer, on demand, all school district taxes raised in each district and collected by him, and the amount of all school district taxes returned to the county treasurer of his county as delinquent, whenever the same shall have been collected and paid over by said county treasurer to such town treasurer; or if any such town treasurer shall receive credit from the county treasurer for such To pay over district taxes.

delinquent tax, or any part thereof, on account of any demand or claim due from such town to said county, then the said town treasurers shall pay over the amount of such delinquent tax, or the part for which credit has been so received, to the treasurer of the proper school district, on demand thereafter.

To certify moneys to town clerk.

3d. On or before the second Monday of March, in each year, to certify to the town clerk the amount of school moneys in his hands to be apportioned by said clerk, and immediately upon the receipt of any moneys from the state school fund, to certify the same to the clerk, for apportionment.

TOWN CLERK.

Annual report of town clerk—what to show.

SECTION 57. It shall be the duty of the town clerk, between the fifteenth and twenty-fifth days of September, in each year, to make and transmit to the superintendent of schools for the county, a report in writing, bearing date on the fifteenth day of September, in the year of its transmission, stating:

Districts in town.

1st. The whole number of school districts separately set off within the town.

Districts reporting.

2d. The districts and parts of districts from which reports shall have been made to him or his immediate predecessor in office, within the time limited for that purpose.

Time school has been taught.

3d. The length of time a school shall have been taught in each of such districts or parts of districts.

Public moneys.

4th. The amount of public moneys received in each of such districts and parts of districts.

Children taught.

5th. The number of children taught in each, and the number of children over the age of four and under the age of twenty years, residing in each.

Whole amount of money received from state, &c.

6th. The whole amount of money received in the town for school purposes since the date of the last preceding report, setting forth separately, the amount received from the state through the county treasurer, the amount levied by the county board of supervisors, and the amount raised by the town at its annual meeting.

Amount raised by district tax.

7th. The amount of money raised by district tax for school purposes.

How expended. &c.

8th. The manner in which said moneys have been expended, and whether any and what part remains unexpended, with such other information as the state superintendent may from time to time require.

SECTION 58. It shall be the duty of the town clerk to see that the annual reports of the clerks of the several school districts in his town are made correctly and in due time, and to receive and keep all such reports made to him by the district clerks, with all orders and notices of the town board of supervisors relative to the formation or alteration of school districts, and file them in his office; and he shall record in a book kept for that purpose, such description of school districts and organization or alteration thereof, as shall be furnished him by the board of supervisors. He shall also make and keep in his office a map of the town, showing the exact boundaries of all the school districts therein, as appears from the records on file, and when a new district is formed, shall furnish a map thereof to the district clerk. He shall, within ten days after his election or appointment, report his name and postoffice address to the county superintendent of schools, and the name and postoffice address of each district clerk, within ten days after the filing of the same in his office. It shall also be the duty of the town clerk to apportion the school moneys raised by the town and collected by the town treasurer, on the third Monday of March, and those received from the state through the county treasurer, on the third Monday of June, of each year, or as soon thereafter as the same shall be collected or received by the town treasurer, to the several districts and parts of districts within the town, in proportion to the number of children residing in each, over the age of four and under the age of twenty years, as the same shall appear from the last annual reports of their respective clerks.

Town clerk to receive and keep district reports.

To make and keep map of districts.

To report names and address of clerks.

To apportion school moneys.

SECTION 59. No moneys shall be apportioned to any district or part of district, unless it shall appear by the report thereof, that a school has been taught therein, by a qualified teacher, for at least three months during the year ending at the date of such report, and that all school moneys received during that year from the school fund, have been applied to the payment of the wages of such teacher.

No money apportioned without three months' school.

SECTION 60. If after the time when the annual reports of the school districts are required to be dated, and before the apportionment of school moneys shall be made, a district shall be duly altered, or a new district shall be formed in the town, so as to render an apportionment founded on such annual reports unjust, as

Apportionment when districts have been altered.

between two or more districts of the town, the town clerk shall make an apportionment to such districts, according to the number of children in each, over the age of four and under the age of twenty years, ascertaining the number by the best evidence within his reach.

Disposal of moneys not called for.

SECTION 61. All moneys apportioned by the town clerk to any district or part of a district, which shall have remained in the hands of the town treasurer for one year after such apportionment, by reason of such district or part of district neglecting or refusing to receive the same, shall be added to the moneys next thereafter to be apportioned by such town clerk to the several districts and parts of districts in such town, and apportioned therewith.

ASSESSMENT AND COLLECTION OF TAXES.

Verified statement of taxes to town clerk.

SECTION 62. The clerk of each school district shall, on or before the fourth Monday of November, in each year, deliver to the town clerk of the town in which the district is situated, a statement in writing, verified by his affidavit, showing the amount of the tax or taxes voted to be raised at the last preceding annual meeting, or at the first meeting after the organization of the district, or both, as the case may require, and the tax voted at any special meeting held between the time of the annual meeting and the third Monday of November, together with a list of all persons and corporations liable to a school district tax therein. In case of a joint district, he shall deliver to the town clerk of each town in which any part of the district is situated, a statement so verified, showing the proportion of tax to be so assessed in that part of the district within such town, together with a list of all persons and corporations liable to a school district tax in that part of the district. Such proportion shall be ascertained from the valuation contained in the last assessment rolls of the respective towns, and to enable the district clerk to ascertain the same, the town clerk of each such town shall, on demand, at any time after he has received the equalized assessment roll of his town, deliver to the clerk of any such joint district, a certified statement of the valuation of real and personal property in that part of such district lying within his town, as the same appears from said assessment roll.

In case of joint district, how proportion of each town is learned.

SECTION 63. The town clerk shall assess said tax, or the due proportion thereof, upon the real and personal property liable thereto, placing the same in a separate column in the next assessment roll of his town, delivered to the town treasurer for collection, whenever such certificate of the district clerk shall be received by him in time therefor, although after the fourth Monday of November. And if for any reason such tax shall not be assessed in the next assessment roll after the tax is voted, it shall be assessed in that of the next succeeding year. The tax shall, in all respects, be collected or returned delinquent like other taxes, and when collected the money shall be paid over to the district treasurer. And whenever any part and not the whole of the taxes for all purposes assessed in the assessment roll to any person or corporation, or upon any real estate, shall be collected by the town treasurer, he shall pay over the due proportion of the amount collected by him to the district treasurer.

How tax levied and collected.

Delinquent taxes

SPECIAL DISTRICT TAXES.

SECTION 64. Any tax voted at a special meeting held at a time not specified in section sixty-two of this chapter, shall be assessed by the district clerk, and collected by the district treasurer in the manner hereinafter provided.

Tax voted at special meeting.

SECTION 65. The clerk of each school district shall make out the tax-list, and shall enter therein the names of all persons liable to pay a school district tax in such district, the amount of personal property to be taxed to each such person, and a description of all the taxable real estate in such district; and he shall set opposite to each description of taxable property, the valuation of the same and the amount of tax charged upon such property, and to each person, respectively. Such description and valuation of taxable property shall be ascertained, so far as possible, from the last assessment roll of the town.

How list made out by district clerk.

SECTION 66. The warrant annexed to such tax-list shall be under the hand of the clerk of the district, and shall command the treasurer of such district to collect from each of the taxable persons and corporations named in such tax-list, and of the owners of the real estate described therein, the several sums set opposite to the persons and corporations so named, and to the

Warrant—what to command.

several tracts of land so described, within forty days from the date thereof, and within ten days from the date of such warrant, to personally demand such tax of the persons charged therewith in such lists, if they be found within his town; and that if any such tax shall not be paid within said ten days, to collect the same by distress and sale of personal property, in the same manner as town treasurers are authorized to collect town and county taxes; and the said treasurer shall execute said warrant and return the same to the clerk at the expiration of the time limited therein for the collection of such tax-list.

Delinquent tax—how collected.

Unpaid taxes

SECTION 67. If any tax on real estate, in any tax-list delivered to the treasurer of any district, shall remain unpaid at the time he is required by law to return his warrant to the clerk of the district, such treasurer shall make out and deliver to the town clerk of his town, a statement in writing, containing a description of the lots and pieces of land upon which such taxes remain so unpaid, together with the amount of tax assessed to each; and he shall make and subscribe an affidavit to such statement, before some justice of the peace, or other person authorized to administer oaths, that the taxes mentioned in such statement remain unpaid, and that after diligent efforts he has been unable to collect the same; and whenever any school district shall embrace parts of more than one town, such treasurer shall make his return as aforesaid to the town clerks of the towns in which the parts of such district shall be situated.

To be certified.

SECTION 68. The town clerk, upon a delivery to him of such statement, shall give a certificate to the treasurer of the amount of taxes so remaining unpaid, as the same shall appear from the statement of such treasurer, which certificate shall be deposited by the treasurer with the district clerk, and shall be filed by such clerk.

To be entered in next assessment roll.

SECTION 69. The town clerk shall, in making out the duplicate assessment roll of the town next thereafter enter such unpaid taxes in a separate column therein opposite to the description of the land upon which the taxes so remain unpaid, and such taxes shall be collected in the same manner as town and county taxes are collected; and when so collected, shall be paid over to the treasurer of the district in which such taxes were originally assessed.

SECTION 70. The warrant issued by the clerk of any school district for the collection of any district tax authorized to be raised and collected by section sixty-four of this chapter, may be executed in any other district or town in the same county, or in any other county in which any part of such district is situate, when the district is composed of parts of two or more adjoining counties, and such warrant shall have the like force and effect as a warrant issued by a town clerk for the collection of town and county taxes; and the treasurer of the district to whom any warrant may be delivered for the collection of a tax-list, shall possess the like powers in the execution of the same, as are conferred by law upon the treasurers of towns in the collection of town and county taxes. Warrant—when may be executed.

SECTION 71. Whenever any error shall be discovered in any district tax-list, and made to appear to the district board, they may authorize and empower the clerk to amend and correct such error in said tax-list, and may order any moneys which may have been improperly collected on such tax-list, to be refunded. How errors in tax list corrected

SECTION 72. Whenever the clerk of any district shall deem it necessary, he may renew the warrant annexed to any tax-list in his district for thirty days, but he shall not have power to renew such warrant more than once, without the consent of the town clerk of the town in which the school house of such district shall be located, which consent shall be endorsed on such warrant. Warrant—how renewed.

SECTION 73. When any district tax shall be lawfully assessed and paid by any person on account of any real property whereof he is only a tenant at will, or for any period not exceeding three years, such tenant may charge and collect of the owner of such real estate the amount of the tax so paid by him, unless some agreement to the contrary shall have been made by such tenant. Rights of tenants.

SECTION 74. Whenever any real estate in any school district shall not have been separately valued in the assessment roll of the town, and the valuation of such real state cannot be definitely ascertained from such assessment roll, the district board of such district shall estimate the value of the same in proportion to the valuation affixed in said assessment roll to the whole tract of which such lot or piece of land forms a part. Assessment—how made in certain cases.

How altered

SECTION 75. Whenever a school district embraces a part of more than one town, the town boards of supervisors of the towns so in part embraced, upon application of any three persons liable to pay taxes in such district, shall proceed to inquire and determine whether the valuation of taxable property in the assessment rolls of such towns are just, as compared with each other, in respect to such district, and if considered not to be so, they shall determine the relative proportion of taxes to be assessed upon the real estate of the parts of such district so lying in different towns; and any tax thereafter to be raised in such district shall be apportioned and assessed according to such determination, until the same shall be altered upon a like application and determination, as before mentioned.

GENERAL PROVISIONS.

Towns may raise additional school money.

SECTION 76. The qualified electors of each town shall have power, at any legal meeting thereof, to vote to raise such sum of money for the support of common schools, in addition to the amount required by law to be raised, as they may deem necessary.

School taxes to be assessed like other taxes.

SECTION 77. All taxes raised and collected in any school district for any of the purposes authorized by the provisions of this chapter, except when otherwise provided, shall be assessed on the same kind of property as taxes for town and county purposes are assessed.

SCHOOL HOUSE SITES.

When owner refuses to lease or sell school house site.

SECTION 78. Whenever a school district shall be unable to obtain the school house site selected or designated by a majority of the electors thereof at a regular meeting, on account of the refusal of the owner of the ground selected to lease or sell the same, such site may be located and established by the town board of supervisors, in the manner hereinafter provided.

Supervisors may locate a site.

SECTION 79. Whenever the electors of any school district, either at their annual or at any special meeting legally called for that purpose, shall make application to the board of supervisors in their respective towns, the said board upon satisfactory proof being made to them, by the certificate of the district clerk, or otherwise, that the notices required in the next section have been duly given, shall proceed to establish a school

house site for said district: *provided*, that such school house site shall not exceed one acre of land; *and provided, further*, that such land when it shall cease to be used as a school house site, shall revert to the original owner, his heirs and assigns.

Size and reversion.

SECTION 80. Upon application made by any school district, by vote as aforesaid, such board shall make out and sign a notice in writing, and fix a time and place when and where they will meet and decide upon such application, which said notice shall also contain a brief description of the land upon which it is proposed to locate such school house site, which said notice shall be served by the district clerk of said district upon all the owners and occupants of the land upon which it is proposed to locate such site, at least six days previous [previously] to the day appointed for such meeting. Such notice shall be served by delivering it to each such owner and occupant of such land, who may be residents of this state, or by leaving the same at their respective residences, with some person of suitable age and understanding. And if there be no occupant of such land, and the owner or owners thereof be unknown to the said board, or shall reside without this state, then such notice may be served by publishing the same in the newspaper published nearest said land, once in each week for six successive weeks next before the said day of meeting.

Notice to be given.

To be served personally.

Service by publication.

SECTION 81. Whenever the said board shall locate and establish any school house site, they shall cause an accurate survey and description of the same to be made out, and shall fix and award the compensation to be made to the owner or owners for such site, together with all damages sustained by such owner or owners of all lands so taken. They shall also, within ten days after agreeing thereupon, make out and sign duplicate certificates, containing their action upon such application, a description of the lands so taken, according to the survey, and the amount of compensation and damages so awarded to each of such owners, one of which shall be delivered to the occupant or occupants of the land so taken for such school house site, and the other to the clerk of said district, who shall cause the same to be recorded in the office of the register of deeds of the proper county: *provided*, that in case the said board shall deem it advisable, they may, before agreeing upon

Survey of land to be made, &c.

Certificate to be recorded.

their said award, adjourn from time to time, not to exceed in all ten days, and that any two of said board may act in the absence of the other.

Money to be paid owner, or deposited.

SECTION 82. The sum of money so awarded by the said board, shall be paid to the owner of the land upon which such site is located, or in case the owner is a non-resident, or refuses to accept the money, it shall be deposited with the treasurer of the district, to the order of the owner of said land; and it shall not be lawful for said district to occupy said land without the consent of the owner thereof, until such money shall be paid, tendered or deposited as aforesaid.

Limit to land taken.

SECTION 83. No land shall be taken for a school house site, except by consent of the owner, that may not be taken for highway purposes, according to section fifty-four, chapter nineteen, of the revised statutes.

Appeal to circuit court.

SECTION 84. Any person aggrieved by the decision of the above board in the award of damages, may appeal therefrom to the circuit court for any county in which such site is situated, by filing with the clerk of such district a notice of said appeal, which notice shall specify all the grounds of such appeal, within twenty days after the receipt of the duplicate certificate mentioned in section eighty-one of this act, and paying to the said district clerk one dollar for the state tax on the appeal, and one dollar for making the return thereto; and thereupon the clerk of such district shall, within twenty days thereafter, file with the clerk of said circuit court a certified copy of such certificate, together with such notice of appeal and the date of service thereof, and shall pay to such clerk of the circuit court one dollar for the tax on the appeal; and thereupon the clerk of such court shall enter an action therein, in which the appellant shall be plaintiff and the school district defendant. The issues in said action shall be the legality of all the proceedings of said board under this act, and the amount of compensation and damages to which the plaintiff is entitled by reason of the taking of his lands for a school house site, as aforesaid. And the issue shall be tried without further pleadings, in the same manner as other issues of fact are tried in such court, and either party shall be entitled to a jury, and the judgment therein shall be enforced in the same manner as other judgments in personal actions rendered by said circuit court: *pro-*

Parties.

Issues.

*vided*, that in all cases where the question of damages is the only issue, and the plaintiff does not recover a larger sum than was awarded him by such board, he shall recover no costs.

In case of joint district.

SECTION 85. Whenever the district is situated in two or more towns, the said board shall consist of the boards of supervisors of each town in which such district is situated.

COUNTY SUPERINTENDENT.

Election and term of office of county superintendents.

SECTION 86. There shall be chosen at the general election held on the Tuesday next succeeding the first Monday in November, in the year 1861, and biennially thereafter, a county superintendent of schools for each county of the state, who shall enter upon the duties of his office on the first day of January succeeding his election, and shall hold the same for two years, and until his successor is elected and qualified. In each county of the state having over fifteen thousand inhabitants, according to the last preceding census, the county board of supervisors may, at any meeting prior to an election of county superintendent in any year, determine by resolution, to remain in force until rescinded, that two county superintendents shall be chosen for such county; and said board of supervisors shall thereupon divide the county into two districts, to be called, respectively, "superintendent district number one," and "superintendent district number two." While such resolution shall remain unrescinded, each such district shall elect a county superintendent for such district, to be called "county superintendent of schools for district number one," or "two," as the case may be. When a county contains more than one senate district, each such senate district shall constitute a superintendent district, to be numbered as above provided, except senate districts lying wholly within incorporated cities which may have elected as provided for in section ninety-six of this act. Such county superintendent [superintendents] of schools for districts shall, within the limits of their respective districts, have the same powers and duties as other county superintendents. Their terms of office shall be the same, and their election shall be conducted and canvassed as provided in this act for the election of county superintendents; and all the provisions of this act or of any other law of

When two superintendents may be chosen in one county.

When senate district constitutes superintendent district.

this state in relation to county superintendents of schools, shall apply to the county superintendents of schools for districts, unless the latter shall be expressly excepted therefrom.

Election of county superintendent.

SECTION 87. The election of county superintendent of schools shall be conducted, canvassed and certified, in all respects, after the manner prescribed for the election of other county officers.

To take an oath.

SECTION 88. The county superintendent of schools shall, before entering upon the duties of his office, take and subscribe the oath of office prescribed by the constitution of this state, before some officer authorized to administer oaths, and shall deposit the same with the clerk of the board of supervisors.

Vacancies—how filled.

SECTION 89. In case of vacancy, the state superintendent may, upon certificate thereof from the clerk of the board of supervisors, appoint a person to fill such vacancy, who shall qualify as provided in the preceding section, and who shall hold his office until the general election next succeeding such appointment.

Removals from office.

SECTION 90. The county superintendent of schools may be removed from office by the judge of the circuit court of the county where such county superintendent of schools may reside, upon petition and satisfactory proof of incompetency, or wilful [willful] neglect of duty: *provided*, that no such removal shall be valid unless the person so removed shall have had at least thirty days' notice of the charges brought against him, and an opportunity to be heard in his own defense, and that the said circuit judge shall, in case of removal, certify such removal to the clerk of the county board of supervisors.

Thirty days' notice of charges.

Copy of petition for removal to be served.

SECTION 91. Any person or persons petitioning for the removal from office of any county superintendent of schools, shall cause a certified copy of such petition, together with a full statement of all charges preferred against him, to be served upon such superintendent at least thirty days prior to the hearing before the judge of the circuit court.

Duties of county superintendent.

SECTION 92. It shall be the duty of the county superintendent of schools to examine and license teachers and to annul certificates, as hereinafter provided; to visit and inspect schools; to organize and conduct at least one institute for the instruction of teachers in each year; to encourage teachers' associations; to advise in

all questions arising under the operation of the school laws in his county; to introduce to the notice of teachers and the people the best modes of instruction, the physiological laws which govern the health and growth of the young; the most approved plans of building and ventilating school houses, and ornamenting and adapting school grounds for the cultivation of the taste and the healthful exercise of the children; to report from time to time the condition and prospects of the schools under his supervision; to receive from the town, city and village clerks, abstracts of the reports of the several district clerks, and transmit the same to the state superintendent, as also, annually, the name and postoffice address of each town and district clerk of his county, with such other information as he may deem advisable, or as may be required of him by the state superintendent, and to perform such other duties as may be prescribed by law.

**Inspection districts.**

SECTION 93. It shall be the duty of the county superintendent of schools, in each county, to divide his county into inspection districts, to be bounded by town lines, and not to contain more than four towns each, and to hold, in and for each such inspection district, at least two meetings in each year, for the examination and licensing of teachers, of which meetings at least thirty days' written notice shall be given to each school district clerk in the inspection district for which the meeting is to be held, and by him posted in some conspicuous place in his district. Such notice shall contain the names of the towns embraced in the inspection district, and the time, place and objects of the proposed meeting. The examination of teachers thus held shall be public, and shall be conducted by written and oral questions and answers. They shall be uniform for the county in which they are held, and no certificate of qualification shall be given except in accordance with the provisions of law respecting teachers' certificates.

**Two examinations annually.**

**To be public and uniform.**

**Special examinations.**

SECTION 94. Whenever, on account of sickness, absence from the county, or any other cause, any person desiring a certificate of qualifications as a teacher, shall be unable to attend the examination as aforesaid, such person may be examined at any time by the superintendent, without giving the notice required by the preceding section, and upon such examination, if found qualified, shall receive a certificate, which shall remain

in force until the next regular meeting for the examination of teachers in the inspection district in which such teacher is engaged in teaching: *provided*, that the county superintendent, before examining and licensing such applicant, may require of him or her satisfactory proof that the absence of such applicant from the last regular meeting for the examination of teachers, in the inspection district in which he or she resided, was necessary and unavoidable upon the part of said applicant

Proof of necessary absence from regular examination.

Compensation.

SECTION 95. The compensation of the county superintendent of schools shall be fixed by the county board of supervisors, and shall be paid quarterly, in cash, by the county: *provided*, that for counties containing more than fifteen thousand inhabitants, according to the last preceding census, the compensation shall not be less than six hundred dollars per annum, and for counties containing more than eight thousand inhabitants, it shall not be less than four hundred dollars per annum.

Maximum fixed.

How cities may exempt themselves from control of the county superintendent.

SECTION 96. The board of education of any incorporated city of this state may, on or before the fifteenth day of August, in any year, elect, by order or resolution, that such city shall for the next ensuing year be exempt from the provisions of this act relating to county superintendent of schools, except in the matter of making reports to the county superintendent of the county in which such city is situated, and within ten days thereafter cause a copy of such order or resolution to be filed with the clerk of the board of supervisors in and for such county; in which case, the duties of the county superintendent of schools for that county shall not, during that year, extend into such city, except for the purpose of receiving reports therefrom; and the electors of such city shall have no voice in electing a county superintendent, if one be elected in such county that year, nor shall the member or members of the county board of supervisors from such city have any vote in determining or providing for the compensation of such county superintendent, nor in any other matter relating to such officer; nor shall any tax levied under the provisions of section ninety-seven of this chapter, for that year, be levied upon such city or any part thereof. In cases where an incorporated city shall not elect as provided in this section, the duties of supervising and inspecting schools and examining and

certifying to the qualifications of teachers in and for such city, shall devolve upon the county superintendent exclusively, any law of the state to the contrary notwithstanding.

SECTION 97. The board of supervisors of each county shall, when they levy the county school tax for each year, add thereto and apportion among the towns, cities and villages in such county, an amount sufficient to pay the compensation of the county superintendent of schools in and for such county, and all necessary expenses for printing for the use of schools in such county for that year, which amount shall be levied and collected, in cash, as a part of the county school tax for such county, and shall be paid over to the county treasurer of such county, with the county tax, by the several town, city and village treasurers: *provided*, that no part of said amount shall be apportioned to or levied upon any incorporated city whose board of education shall have elected as provided for in the last preceding section. Tax for payment of county superintendent.

SECTION 98. The county superintendent shall, on or before the tenth day of October, in each year, make and transmit to the state superintendent a report in writing, setting forth the whole number of towns in his county, distinguishing those from which the required reports have been made to him by the town clerks, and containing an abstract of their reports, and he shall file a copy of such report in the office of the clerk of the county board of supervisors. Annual report of state superintendent.

SECTION 99. He shall also, within the time mentioned in the preceding section, make and deliver to the county treasurer a written statement of the whole number of children in each town in the county over the age of four and under the age of twenty years, as shown by the town clerks' reports. Statement to county treasurer.

TEACHERS' CERTIFICATES.

SECTION 100. Every applicant for a situation as teacher in any of the common schools of this state, shall be examined by the county superintendent of schools of his county, in regard to moral character, learning and ability to teach, and if found qualified shall receive a certificate, as hereinafter provided. Teachers to be examined.

SECTION 101. There are hereby established three grades of teachers' certificates, to be known as certifi- Three grades of certificates.

cates of the first, second and third grades, respectively, as the case may be. Each certificate shall show the branches of study in which the holder has been examined, also the relative attainment of the applicant in each.

Requisites for third grade certificate.

SECTION 102. Every applicant for a certificate of the third grade, shall be examined in orthoepy, orthography, reading, penmanship, intellectual and written arithmetic, primary grammar and geography, and if found qualified, shall receive a certificate which shall entitle the holder to teach in the town for which he applies, and which shall be in force for one year from the date thereof; and each county superintendent may issue third grade certificates for a less period than one year, and for a particular district, whenever he is satisfied that the applicant is qualified to teach in such district, and is not qualified to teach in every district of the town for which he is licensed.

Entitles to teach one year in town

Special district certificates.

Requisites for second grade certificate.

SECTION 103. Every applicant for a certificate of the second grade, shall be examined in all the branches required for a certificate of the third grade, and in addition thereto, in grammatical analysis, physiology, physical geography, elementary algebra, United States history, and theory and practice of teaching, and if found qualified, shall receive a certificate which shall entitle the holder to teach in any town in the county in which he is examined, and which shall be in force for one year from the date thereof.

Entitles to teach one year in county.

Requisites for first grade certificate.

SECTION 104. Every applicant for a certificate of the first grade, shall be examined in all the branches in which applicants for certificates of the second and third grades are examined, and in addition thereto, in higher algebra, natural philosophy, and geometry, and if found qualified, shall receive a certificate which shall entitle the holder to teach in any town in the county in which he is examined, and which shall be in force for two years from the date thereof.

Entitles to teach two years in county.

Examination in additional branches, &c.

SECTION 105. Each county superintendent of schools may demand an examination in such additional branches as the applicant may be required to teach, and whenever he shall deem it necessary, may require a re-examination of any teacher in his county for the purpose of ascertaining his qualifications to continue as such teacher.

Standard of attainments.

SECTION 106. The county superintendent of each county shall, under the advice and direction of the

state superintendent, establish for his county the standard of attainment in each branch of study, which must be reached by each applicant before receiving a certificate of either grade, and the standard so established shall be uniform for the county.

Teacher cannot make contract without certificate.

SECTION 107. No school district clerk shall have power to contract with a teacher unless such teacher shall have a certificate of qualification in force at the time of making such contract; and when a district is composed of parts of two or more counties, the clerk of said district shall not have power to contract with a teacher unless such teacher shall have a certificate of qualifications signed by the superintendent of the county in which the school house is situated, and in force at the time of making such contract.

How certificates may be annulled.

SECTION 108. The county superintendent may annul any certificate given by him or his predecessor in office, when he shall think proper, giving at least ten days' previous notice in writing to the teacher holding it, and to the district board of the district in which he may be employed, of his intention to annul the same.

Notice of annulment to be filed.

SECTION 109. The annulling of a certificate shall not disqualify the teacher to whom it was given, until a notice thereof, containing the name of the teacher, the time when the certificate was annulled, and the reasons for such annulment, shall be filed by the county superintendent in the office of the town clerk of the town in which such teacher is engaged in teaching.

When state superintendent may reexamine.

SECTION 110. Any person refused a certificate as a teacher by the county superintendent, may apply to the state superintendent for a re-examination; and if upon such re-examination, the state superintendent shall be satisfied that the applicant is legally qualified, he shall issue a certificate, which shall have the same force and entitle the holder to the same privileges as if he held a certificate from the county superintendent: *provided*, that any county superintendent refusing a certificate to an applicant, upon demand, shall give such applicant a written statement of the reasons why he, the said superintendent, refuses to issue such certificate; which statement shall in all cases be presented to the state superintendent by the person desiring a re-examination.

Written reasons for refusing certificate.

LIBRARIES.

Libraries vested in district board.

SECTION 111. Every school district library and the appurtenances thereunto belonging, shall be deemed to be vested in the district board of the district, so as to enable them to maintain any action for the same, or for the value thereof, or for the recovery of any fine or penalty for damage done to any book or books, or neglecting to return or loss of the same; and all such fines and penalties incurred in consequence of a violation of any regulation lawfully established in respect to district libraries, shall be sued for and collected in the name of such district board, and when so collected shall be applied for the benefit of such district library.

Fines and penalties.

Joint libraries.

SECTION 112. The legal voters in any two or more adjoining districts may, in such cases as may be approved by the town supervisors, unite their libraries, and also their library moneys, as they shall be collected or received, and purchase a joint library for such districts, which shall be selected by the district boards thereof, or by such persons as they shall designate, and shall be under the charge of a librarian to be appointed by the district boards of such districts; and the provisions of this chapter shall be applicable to such joint libraries, except that the property in them and their appurtenances shall for the time being be deemed vested in all the district boards of the districts so united; and in case any such district shall desire to divide such library, such division shall be made by the directors of the districts whose libraries are so united, and in case they cannot agree, then such division shall be made by the town supervisors.

Librarian to be appointed.

How library to be divided.

Librarian.

SECTION 113. The clerk of the district, or such other person as the taxable inhabitants may at any legal meeting appoint by a majority of votes, shall be the librarian of the district, and shall have the care and custody of the district library.

BORROWING MONEY BY SCHOOL DISTRICTS.

May borrow money to build school house.

SECTION 114. Whenever any school district within this state shall desire to make a loan of money to aid in the erection of a school house or houses, the question of a loan shall first be submitted to the legal voters authorized to vote at an annual school meeting, the vote to be taken by ballot. Those voting in favor of the loan shall have written or printed, or partly written

Loan to be submitted to vote.

and partly printed on their tickets, "for the loan," and those voting against the loan shall have written or printed, or partly written and partly printed on their tickets, "against the loan." And if a majority of all the legal voters, resident in the district, shall vote in favor of the loan, then the district board of any such school district, the trustees of any village, the common council of any city, or the board of education for such village or city, within the bounds of which any such school district is located, shall have power and authority to borrow money to aid in the erection of a school house or school houses, under the restrictions hereinafter mentioned.

Conditions of a loan.

SECTION 115. The money loaned in pursuance of the provisions of the preceding section, shall not be borrowed for a longer period than five years, and shall draw such rate of interest as may be agreed upon by the parties, but in no case exceed a greater rate than that established by law; and the said district board, trustees, common council or board of education, are hereby authorized to give notes, bonds or execute a mortgage upon any of the property, real or personal, belonging to the district making the loan, to secure the payment of the principal and the interest on the sum so borrowed; and the sum so borrowed shall in no case exceed ten per cent. on the valuation of the real estate contained in the district for the benefit of which the loan is made, according to the valuation contained in the last assessment roll or rolls of the town or towns, village or city in which such school district may be situated.

SUITS AND JUDGMENTS AGAINST SCHOOL DISTRICTS.

Jurisdiction when district is interested.

SECTION 116. Justices of the peace shall have jurisdiction in all cases in which a school district is a party interested, when the amount claimed by the plaintiff, or the penalty for which suit is brought, shall not exceed one hundred dollars, and the parties shall have the same right of appeal as in other cases; and when an action shall be brought against any school district, it shall be commenced by summons, a copy of which shall be left with the director.

Action—how brought.

No execution to issue.

SECTION 117. No execution shall issue on any judgment against a school district, nor shall any action be

apportion to his district a larger sum than its just proportion of school moneys, shall be deemed guilty of a misdemeanor, and be punished by fine not exceeding one hundred dollars, or by imprisonment in the county jail, not exceeding six months; and any district clerk who shall wilfully [willfully] neglect to make the annual report from his district, as required by this chapter, shall be liable to pay the whole amount of money lost by said district in consequence of his neglect, which moneys shall be recovered in an action prosecuted by the director, in the name of the district.

For neglect to report.

Liability for failure to report.

SECTION 127. Every town clerk who shall neglect or refuse to make and deliver to the county superintendent his annual report, as required in this chapter, within the time limited therefor, shall be liable to pay the full amount of money lost by such neglect or refusal, with interest thereon, to be recovered by the town treasurer, in the name of the town, and every town clerk who shall neglect or refuse to carry into effect any decision or order of the state superintendent, shall be liable to removal by the town board of supervisors, upon proper notice thereof; and the said board shall have full power to fill any such vacancy in such manner as vacancies in other town offices are filled.

Removal.

Penalty for not carrying out state superintendent's decisions.

SECTION 128. In case the town board of supervisors shall refuse or neglect to carry into effect any decision of the state superintendent, made upon an appeal from their action or refusal to act, each member of the board thus refusing or neglecting shall be liable to a penalty of fifty dollars, to be prosecuted for and recovered by any elector of the district from which the appeal is taken. Suit shall be brought in the name of the district, and in case judgment shall be rendered against the defendant, the forfeiture recovered shall be applied in the first place to pay the necessary expenses of the prosecution, and the balance, if any, shall be paid into the district treasury.

Liability of county superintendent.

SECTION 129. Every county superintendent who shall neglect or refuse to make the report required in this chapter to be made by him to the state superintendent, within the time limited therefor, shall be liable to pay to each town the amount which such town, or any school district therein, shall lose by such neglect or refusal, with interest thereon, to be recovered by the town treasurer in an action prosecuted in the name of the town or district.

SECTION 130. All moneys collected or received by any town treasurer, under the provisions of section one hundred and twenty-seven and section one hundred and twenty-nine of this chapter, shall be apportioned and distributed to the school districts entitled thereto, in the same manner and in the same proportion that the moneys lost by any refusal or neglect therein mentioned, would, according to the provisions of this chapter, have been apportioned and distributed. Penalties—how applied.

SECTION 131. Any teacher who shall wilfully [willfully] neglect or refuse to comply with the requirements of section forty-five of this chapter, relative to keeping a school register, shall forfeit his or her wages for teaching during the time of such neglect or refusal. Forfeiture for not keeping register.

SECTION 132. The treasurer of any legally organized school district shall prosecute the town treasurer of the town in which such district is situated, for the recovery of any moneys lawfully due and belonging to such district, in all cases where such town treasurer shall neglect or refuse, for the space of ten days from the time fixed by law therefor, to pay over to the proper officer the school moneys aforesaid. Prosecutions for moneys withheld by town treasurers.

SECTION 133. It shall be competent for any town treasurer, in case of default of the county treasurer to pay over the school moneys which by law should be paid to such town treasurer, to commence action on the official bond of the county treasurer for the recovery of such moneys. Ibid. by county treasurers.

SECTION 134. Any district treasurer who shall use or pay out any moneys in his hands belonging to the district, without authority of law, shall be liable to a penalty of not less than five nor more than fifty dollars, and it shall be the duty of the director to prosecute the treasurer for the recovery of said penalty. In case the director shall refuse or neglect to prosecute, he shall be liable to a penalty of twenty dollars. Fine for paying out moneys illegally.

SECTION 135. Any district treasurer who shall purchase or receive any order drawn upon him, for less than the sum expressed in said order, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding fifty dollars, or by imprisonment in the county jail not exceeding thirty days. Penalty for receiving orders at less than their face.

SECTION 136. Any clerk who shall draw an order upon the treasurer for purposes not authorized by a law, and by a vote of the district, and every director who Penalty for drawing and countersigning unauthorized orders.

apportion to his district a larger sum than its just proportion of school moneys, shall be deemed guilty of a misdemeanor, and be punished by fine not exceeding one hundred dollars, or by imprisonment in the county jail, not exceeding six months; and any district clerk who shall wilfully [willfully] neglect to make the annual report from his district, as required by this chapter, shall be liable to pay the whole amount of money lost by said district in consequence of his neglect, which moneys shall be recovered in an action prosecuted by the director, in the name of the district.

For neglect to report.

Liability for failure to report.

SECTION 127. Every town clerk who shall neglect or refuse to make and deliver to the county superintendent his annual report, as required in this chapter, within the time limited therefor, shall be liable to pay the full amount of money lost by such neglect or refusal, with interest thereon, to be recovered by the town treasurer, in the name of the town, and every town clerk who shall neglect or refuse to carry into effect any decision or order of the state superintendent, shall be liable to removal by the town board of supervisors, upon proper notice thereof; and the said board shall have full power to fill any such vacancy in such manner as vacancies in other town offices are filled.

Removal.

Penalty for not carrying out state superintendent's decisions.

SECTION 128. In case the town board of supervisors shall refuse or neglect to carry into effect any decision of the state superintendent, made upon an appeal from their action or refusal to act, each member of the board thus refusing or neglecting shall be liable to a penalty of fifty dollars, to be prosecuted for and recovered by any elector of the district from which the appeal is taken. Suit shall be brought in the name of the district, and in case judgment shall be rendered against the defendant, the forfeiture recovered shall be applied in the first place to pay the necessary expenses of the prosecution, and the balance, if any, shall be paid into the district treasury.

Liability of county superintendent.

SECTION 129. Every county superintendent who shall neglect or refuse to make the report required in this chapter to be made by him to the state superintendent, within the time limited therefor, shall be liable to pay to each town the amount which such town, or any school district therein, shall lose by such neglect or refusal, with interest thereon, to be recovered by the town treasurer in an action prosecuted in the name of the town or district.

SECTION 130. All moneys collected or received by any town treasurer, under the provisions of section one hundred and twenty-seven and section one hundred and twenty-nine of this chapter, shall be apportioned and distributed to the school districts entitled thereto, in the same manner and in the same proportion that the moneys lost by any refusal or neglect therein mentioned, would, according to the provisions of this chapter, have been apportioned and distributed. Penalties—how applied.

SECTION 131. Any teacher who shall wilfully [willfully] neglect or refuse to comply with the requirements of section forty-five of this chapter, relative to keeping a school register, shall forfeit his or her wages for teaching during the time of such neglect or refusal. Forfeiture for not keeping register.

SECTION 132. The treasurer of any legally organized school district shall prosecute the town treasurer of the town in which such district is situated, for the recovery of any moneys lawfully due and belonging to such district, in all cases where such town treasurer shall neglect or refuse, for the space of ten days from the time fixed by law therefor, to pay over to the proper officer the school moneys aforesaid. Prosecutions for moneys withheld by town treasurers.

SECTION 133. It shall be competent for any town treasurer, in case of default of the county treasurer to pay over the school moneys which by law should be paid to such town treasurer, to commence action on the official bond of the county treasurer for the recovery of such moneys. Ibid. by county treasurers.

SECTION 134. Any district treasurer who shall use or pay out any moneys in his hands belonging to the district, without authority of law, shall be liable to a penalty of not less than five nor more than fifty dollars, and it shall be the duty of the director to prosecute the treasurer for the recovery of said penalty. In case the director shall refuse or neglect to prosecute, he shall be liable to a penalty of twenty dollars. Fine for paying out moneys illegally.

SECTION 135. Any district treasurer who shall purchase or receive any order drawn upon him, for less than the sum expressed in said order, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding fifty dollars, or by imprisonment in the county jail not exceeding thirty days. Penalty for receiving orders at less than their face.

SECTION 136. Any clerk who shall draw an order upon the treasurer for purposes not authorized by a law, and by a vote of the district, and every director who Penalty for drawing and countersigning unauthorized orders.

shall countersign such an order, shall be liable to a fine of not less than five nor more than one hundred dollars, and the district may authorize any elector to prosecute, for the use and benefit of such district, for the recovery of the fine prescribed in this section.

Certified copy of bond sufficient evidence.

SECTION 137. In the prosecution of actions under this chapter, a copy of the official bond sued upon, duly certified by the officer in whose custody such bond is placed by law, shall be deemed sufficient for all purposes of proof required by law in said actions. And any actions under this chapter in which the sum claimed to be justly due, or the penalty and forfeiture incurred, shall not exceed the sum of one hundred dollars, may be commenced and prosecuted before any justice of the peace, in the same manner as other cases.

When any elector may prosecute.

SECTION 138. Whenever any person designated by this chapter to prosecute a district or other school officer for neglect of duty or for illegal action, shall fail or neglect to prosecute said officer for the space of ten days after being requested by any elector so to do, and in all cases not otherwise specially provided for, the voters of a district at any regular meeting, either annual or special, may authorize any elector to commence and prosecute an action against such officer in the name and for the use and benefit of the district, for the recovery of the fine or the infliction of the penalty prescribed by law for the failure of such officer to perform his duty, or for the illegal action of said officer.

Reports must be made in compliance with this act.

SECTION 139. All the provisions of section forty-three of this chapter, in reference to the annual reports of the district clerks, shall apply to and be in force in every city and incorporated village in this state, and each city and village clerk, or clerk of the board of education, shall make and transmit to the county superintendent of schools for the county or district in which such city or village is situated, the report required by section fifty-seven of this chapter, within the time therein prescribed, any provisions of their charters or any law of this state to the contrary notwithstanding.

Penalty for disturbing school.

SECTION 140. Any person who shall wilfully [willfully] and maliciously interrupt or in any way molest or disturb any private or public school, while in session, shall, upon conviction thereof, be punished by fine not exceeding twenty-five dollars, or by imprisonment in the county jail not exceeding thirty days.

SECTION 141. The state superintendent is hereby authorized and required, on or before the first day of June, in each year, to furnish to each school district clerk, town clerk and county superintendent of schools in the state, a blank form upon which such officers shall make their annual reports. State superintendent to furnish blanks.

SECTION 142. Whenever hereafter any amendment shall be made to the provisions of this chapter, it shall be the duty of the state superintendent to furnish a copy of such amendment to every school district in the state. Copies of amendments to be furnished.

SECTION 143. All acts and parts of acts the provisions of which are fully embraced in this act, are hereby repealed. Repeal.

Approved March 28, 1863.

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## CHAPTER 156.

[*Published April 7, 1863.*]

AN ACT to provide for the expenditure of the drainage fund in the town of Ahnapee, Kewaunee county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. For the purpose of draining the swamp lands along the banks of the Ahnapee river, in the county of Kewaunee, the drainage moneys belonging to the town of Ahnapee, in said county, shall be expended in opening the mouth of said Ahnapee river. Peter Schlesser is hereby appointed a commissioner for the purpose of expending such moneys. The said Schiesser shall, before entering upon the duties of his appointment, give such bond to the town board of the town of Ahnapee, for the faithful performance of his duties under the provisions of this act, as they may deem proper; and he shall receive for each day actually and necessarily spent by him in the performance of the duties enjoined by this act, the sum of one dollar (*per day.*) Opening the mouth of Ahnapee river. Commissioner—his bond, salary, &c.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 28, 1863.

in force until the next regular meeting for the examination of teachers in the inspection district in which such teacher is engaged in teaching: *provided*, that the county superintendent, before examining and licensing such applicant, may require of him or her satisfactory proof that the absence of such applicant from the last regular meeting for the examination of teachers, in the inspection district in which he or she resided, was necessary and unavoidable upon the part of said applicant

Proof of necessary absence from regular examination.

Compensation.

SECTION 95. The compensation of the county superintendent of schools shall be fixed by the county board of supervisors, and shall be paid quarterly, in cash, by the county: *provided*, that for counties containing more than fifteen thousand inhabitants, according to the last preceding census, the compensation shall not be less than six hundred dollars per annum, and for counties containing more than eight thousand inhabitants, it shall not be less than four hundred dollars per annum.

Maximum fixed.

How cities may exempt themselves from control of the county superintendent.

SECTION 96. The board of education of any incorporated city of this state may, on or before the fifteenth day of August, in any year, elect, by order or resolution, that such city shall for the next ensuing year be exempt from the provisions of this act relating to county superintendent of schools, except in the matter of making reports to the county superintendent of the county in which such city is situated, and within ten days thereafter cause a copy of such order or resolution to be filed with the clerk of the board of supervisors in and for such county; in which case, the duties of the county superintendent of schools for that county shall not, during that year, extend into such city, except for the purpose of receiving reports therefrom; and the electors of such city shall have no voice in electing a county superintendent, if one be elected in such county that year, nor shall the member or members of the county board of supervisors from such city have any vote in determining or providing for the compensation of such county superintendent, nor in any other matter relating to such officer; nor shall any tax levied under the provisions of section ninety-seven of this chapter, for that year, be levied upon such city or any part thereof. In cases where an incorporated city shall not elect as provided in this section, the duties of supervising and inspecting schools and examining and

certifying to the qualifications of teachers in and for such city, shall devolve upon the county superintendent exclusively, any law of the state to the contrary notwithstanding.

Tax for payment of county superintendent.

SECTION 97. The board of supervisors of each county shall, when they levy the county school tax for each year, add thereto and apportion among the towns, cities and villages in such county, an amount sufficient to pay the compensation of the county superintendent of schools in and for such county, and all necessary expenses for printing for the use of schools in such county for that year, which amount shall be levied and collected, in cash, as a part of the county school tax for such county, and shall be paid over to the county treasurer of such county, with the county tax, by the several town, city and village treasurers: *provided*, that no part of said amount shall be apportioned to or levied upon any incorporated city whose board of education shall have elected as provided for in the last preceding section.

Annual report of state superintendent.

SECTION 98. The county superintendent shall, on or before the tenth day of October, in each year, make and transmit to the state superintendent a report in writing, setting forth the whole number of towns in his county, distinguishing those from which the required reports have been made to him by the town clerks, and containing an abstract of their reports, and he shall file a copy of such report in the office of the clerk of the county board of supervisors.

Statement to county treasurer.

SECTION 99. He shall also, within the time mentioned in the preceding section, make and deliver to the county treasurer a written statement of the whole number of children in each town in the county over the age of four and under the age of twenty years, as shown by the town clerks' reports.

TEACHERS' CERTIFICATES.

Teachers to be examined.

SECTION 100. Every applicant for a situation as teacher in any of the common schools of this state, shall be examined by the county superintendent of schools of his county, in regard to moral character, learning and ability to teach, and if found qualified shall receive a certificate, as hereinafter provided.

Three grades of certificates.

SECTION 101. There are hereby established three grades of teachers' certificates, to be known as certifi-

such officer the proper number and amount of stamps to be affixed thereto, or shall pay him the same [sum] in money required to obtain such stamps.

Cost of stamps on certificates of tax sales, a lien on the lands.

SECTION 2. The cost of all stamps required by the laws of the United States to be affixed to the certificate of sale of any land sold for taxes, interest and charges, in any year, in pursuance of law, shall be a lien thereon until paid, equally with the unpaid taxes; and the county or city treasurer selling such land is hereby required to include the cost of such stamps as a part of the charges due thereon, in the amount for which such land shall be sold.

Sup't of public property to furnish stamps to state officers, &c.

SECTION 3. When any state officer shall be required to use stamps of the United States in his official capacity, and cannot be furnished with the same under the provisions of section one of this act, the superintendent of public property is hereby authorized to furnish to such officer such stamps; and the said superintendent's account for the same, duly verified by affidavit, shall be audited and allowed by the secretary of state, who shall draw his warrant on the treasury for the payment thereof; and there is hereby appropriated out of any money in the state treasury not otherwise appropriated, a sum sufficient to pay all warrants drawn in accordance with the provisions of this section.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 30, 1863.

## CHAPTER 160.

[*Published April* 15, 1863.]

AN ACT to graduate and reduce the minimum amounts for which swamp and overflowed lands belonging to the state may be sold.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Graduated prices of lands which have once been sold.

SECTION 1. The commissioners of school and university lands are hereby authorized and required to graduate and reduce the prices for which the swamp and

overflowed lands now belonging to the state, or which may hereafter belong to the state, may be sold, in the manner hereinafter specified. Upon all such lands which have once been sold and been forfeited and resold to the state, and shall have remained in the hands of the state for one year from the first day of January immediately following such resale, the price shall be reduced by deducting from the price now fixed by law, the amount of interest and penalties and cost of advertising due the state at the time of such resale. At the expiration of two years from the first day of January following the resale, the price shall be still further reduced, by deducting ten per cent. of the principal due the state at the time of forfeiture. At the expiration of another year, the price shall be still further reduced, by deducting another ten per cent. of the principal due the state at the time of forfeiture, and so on, at the expiration of every year, ten per cent. of the original balance of principal due the state, shall be deducted from the last price: *provided*, that such reduction shall cease when the price shall reach seventy-five cents per acre, exclusive of all taxes: *provided, further*, the provisions of this act shall not apply to lands forfeited after the passage of this act.

Minimum price.

SECTION 2. In case the taxes due at the time of forfeiture upon any of the lands mentioned in section one of this act, shall exceed five dollars per forty acres, such excess shall also be deducted from the price of the land at the expiration of one year from the first day of January immediately following such resale.

Deduction of taxes.

SECTION 3. Upon all swamp and overflowed lands now belonging to the state, which have once been offered at public sale and not sold, and which shall remain unsold one year from the first day of January immediately following such public sale, the price now fixed by law shall be reduced, by deducting therefrom ten per cent. of such amount, and so on, at the expiration of every year during which such lands shall remain unsold, ten per cent. of the original price shall be deducted from the last price: *provided*, that such reduction shall cease when the price of the land shall reach seventy-five cents per acre.

Graduated prices of lands which have not been sold.

Minimum price

SECTION 4. At least one-third of the purchase money of all swamp and overflowed lands shall be paid at the time of the sale thereof, and the commissioners

All of purchase money may be required.

may require the whole of the purchase money to be paid at the time of sale.

Repeal.

SECTION 5. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1868.

## CHAPTER 161.

[*Published April* 13, 1868.]

AN ACT in relation to record evidence.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Records requiring stamps.

SECTION 1. Whenever it shall appear from the records in the office of the register of deeds of any county in this state, that any deed, mortgage, conveyance, contract or other instrument required by act of congress to be stamped, has affixed to it the stamps required by law, be the same more or less, said record shall be *prima facie* evidence that said deed or other instrument had affixed to it the number and denomination of stamps so required.

Duty of register.

SECTION 2. It shall be the duty of register of deeds, to state upon the record the number and denomination of the stamps affixed to all papers recorded in his office.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 30, 1868.

# CHAPTER 162.

[*Published April* 14, 1863.]

AN ACT to amend section two of chapter 112 of the general laws of 1862, entitled "an act to explain and amend chapter eight of the laws of the extra session of 1861, entitled 'an act to provide for the aid of volunteers in the service of the United States or of this state,' approved May 25, 1861."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two of chapter one hundred and twelve of the general laws of 1862, entitled "an act to explain and amend chapter eight of the laws of the extra sessin of 1861, entitled 'an act to provide for the aid of volunteers in the service of the United States or of this state,' approved May 25, 1861," is hereby amended, so as to read as follows: "Section 2. The term 'family' or 'families,' when it occurs in chapter eight aforesaid, shall be construed to mean the wife living with and actually dependent upon the volunteer for support at the time of his enlistment; or, having no wife as above, then his children under fourteen years of age; or, having no wife or children, then infirm and indigent parent or parents actually dependent upon the labor of said volunteer for support at the time of his enlistment; and in any case in which the dependence of such parent or parents has been, or shall be, transferred from the husband to a son, by the death of said husband in service, or from one son, by the death of said son in service, to another son or sons still in service, the said parent or parents shall be entitled to receive the said five dollars per month so long as said parent or parents has or have any son in service upon whom said parent or parents is or are dependent: *provided*, that no one family or person shall be entitled to draw more than five dollars per month under the provisions of this act, or the act to which this is amendatory." The term "family" defined. Proviso.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1863.

## CHAPTER 163.

[*Published April* 7, 1863.]

AN ACT to legalize the proceedings of a special town meeting in the town of Metoman, Fond du Lac county, Wisconsin, held November 4th, A. D. 1862.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Proceedings and tax legalized.

SECTION 1. All the proceedings of a special town meeting in the town of Metomen, Fond du Lac county, Wisconsin, held on the fourth day of November, A. D. eighteen hundred and sixty-two, for the purpose of determining whether the town of Metomen would raise a tax (on the taxable property of said town) for the purpose of paying or refunding the money which had been paid to the "war fund committee," for the purpose of paying bounties to volunteer soldiers from said town, are hereby declared legal, and the levying and collection of the tax voted at said meeting is hereby fully authorized and legalized.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1863.

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## CHAPTER 164.

[*Published April* 7, 1863.]

AN ACT to provide for the better drainage and reclamation of the swamp and overflowed lands lying in the county of Calumet.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Fund may be expended at the Rips.

SECTION 1. The drainage commissioners of the counties of Calumet and Manitowoc are hereby authorized to act in conjunction, for the purpose of expending any portion of the drainage fund apportioned to said counties, or either of them, for the purpose of draining the swamp and overflowed lands in said counties, or either of them, at a point called the Rips, on the Manitowoc river, in the county of Manitowoc.

SECTION 2. The drainage commissioners of the said county of Calumet are hereby authorized, for the purpose of draining and reclaiming the swamp and overflowed lands lying in said county of Calumet, to enter upon and remove any obstructions to the flowage of the waters in the Manitowoc river, at a point called the Rips, in said county of Manitowoc; and in removing such obstructions they may expend any portion of the drainage fund apportioned to said county of Calumet, which in their judgment may be necessary and proper for the purpose of such drainage and reclamation. Authority to commissioners of Calumet county.

SECTION 3. All acts or parts of acts conflicting with the provisions of this act, are hereby repealed. Repeal.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 31, 1863.

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## CHAPTER 165.

[*Published April* 15, 1863.]

AN ACT relative to the publication of the delinquent tax list in the county of Winnebago.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. All lands returned to the county treasurer of the county of Winnebago, as provided by law, upon which the taxes, interest and charges shall not be paid by the first Monday of April next after the return thereof, shall be subject to sale, as hereinafter provided. When lands subject to sale.

SECTION 2. The county treasurer of said county shall, immediately after the day specified in the preceding section, make out a statement of all such lands, containing a brief description thereof, according to the delinquent return, with an accompanying notice, stating that so much of each tract or parcel of land described in said statement as may be necessary therefor, will, on the second Tuesday of May thereafter and the next succeeding days, be sold by him, at public auction, at some public place, naming the same, at the seat of justice of his county, for the payment of the taxes, inter- Treasurer to make out list of delinquent lands, &c.

Discriptions—imperfect ones not to be included in list.

est and charges thereon. Such treasurer shall not unite in such list any two or more descriptions which were returned separately, nor shall he divide or separate any parcel or tract of land which was returned as one description, so as to make two or more descriptions; but if any tract returned shall be so imperfectly described as to render it uncertain what particular tract is intended, he shall not include such description in his list as aforesaid.

Notice of sale of delinquent lands to be published.

SECTION 3. The county treasurer of said county shall, immediately after making the statement and notice required in the next preceding section, make out a notice that so much of each tract or parcel of all lands returned to the county treasurer, as provided by law, upon which the taxes, interest and charges shall not be paid before the second Tuesday of May, as will be necessary therefor, will, on the said second Tuesday of May and the next succeeding days, be sold by him, at public auction, at the same place appointed in the next preceding section, for the payment of taxes, and that a list of such lands is posted up in his office for public inspection; and shall cause such notice to be published in a newspaper printed at the county seat of said county of Winnebago, at least once a week for four successive weeks prior to the said second Tuesday of May. The printer shall receive for the publication of said notice, the same fees as are provided by law for the publication of legal notices.

Printer's fee.

Statutes requiring list to be published at length, not applicable to Winnebago county.

SECTION 4. Sections two and three of chapter twenty-two of the general laws of 1859, entitled "an act relative to the sale of lands for unpaid taxes, and the conveyance and the redemption thereof," shall not, nor shall any other law of this state requiring the delinquent tax-list mentioned in said sections two and three to be published at length, apply to said county of Winnebago, or to the lands returned in said county for delinquent taxes: *provided, however*, that this act shall not be so construed as to prevent the treasurer of said county from selling said lands for delinquent taxes, as required by section six of chapter twenty-two aforesaid.

Proviso.

SECTION 5. This act shall take effect and be in force from and after the 1st day of July, A. D. 1863, and not before.

Approved March 30, 1863.

# CHAPTER 166.

[*Published April* 1, 1863.]

AN ACT to provide for the appointment of superintendent of schools for the city of Beloit.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

How superintendent to be appointed.

SECTION 1. The mayor of the city of Beloit, or acting mayor, together with the persons composing the school boards of joint school district number one, of the city and town of Beloit and town of Turtle, and joint school district number two, of the city and town of Beloit, or a majority are hereby authorized and empowered, and it is hereby made their duty, to appoint some person residing within the limits of said school district, as superintendent of schools of said city; and the term of service of the person so appointed shall commence on the first Monday of January, and shall continue for one year, and until his successor is elected and qualified, and shall have the same powers and perform the same duties as the superintendent of schools in said city, previous [previously] to the passage of chapter 179 of the laws of 1861.

His term of office and powers.

Board of education.

SECTION 2. The officers above named shall be deemed a board of education, with power to act in behalf of said city of Beloit, under the provisions of section 11 of chapter 179 of the general laws of 1861, establishing a county superintendcy, [superintedency,] and shall, within thirty days after the passage of this act, appoint a superintendent of schools for said city; and the person so appointed shall hold his office until the first day of January next, and until his successor is appointed and qualified.

When appointment to be made.

SECTION 3. The persons composing the said district boards shall meet at the common council room in said city, at such time or times as the mayor shall direct, for the purpose of appointing a city superintendent. The city clerk of said city shall attend said meetings, and shall keep a record of the proceedings of all such meetings, and within ten days after the appointment of any person to the office of city superintendent, he shall notify such person of his appointment, and shall file a certificate of such appointment in the office of the city

Duty of city clerk.

## CHAPTER 169.

[*Published April* 7, 1863.]

AN ACT relative to the driving of logs and timber on the Wolf river and its tributaries.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Intermixed logs, &c., may be driven by either of the owners.

SECTION 1. Whenever two or more persons or companies may own logs or timber in the Wolf river, or any of its tributaries, and such logs or timber are so intermixed that they cannot be conveniently separated for the purpose or being floated or driven to the boom or place of destination, and either party so owning logs shall fail to make provision for the driving of such logs, or refuse or neglect to furnish labor and material for driving the same, then either party whose logs are so intermixed may drive all logs with which his or theirs are so intermixed, to the boom or place of destination, and shall be entitled to a reasonable compensation from the owner of the logs so driven.

Party driving entitled to reasonable compensation.

SECTION 2. Whenever logs or timber are intermixed, as specified in section one of this act, and either party owning logs so intermixed shall fail to furnish his or their equal proportion of labor and material necessary for driving such logs to the place of destination, then the party or person furnishing the necessary labor and material shall be entitled to a reasonable compensation from the owner of the logs upon which such labor was done and performed.

Shall have a lien therefor on the logs, &c.

SECTION 3. Any person or company doing, performing or furnishing labor or material, as specified in sections one and two of this act, shall have all the rights, privileges and benefits of chapter 215 of the general laws of the year 1860, (being an act providing for a lien for labor and service upon logs and lumber, in certain counties;) and every provision of the act aforesaid giving any person or company a lien upon lumber for labor, shall apply to all cases where labor is done and performed, as specified in sections one and two of this act, as fully as if such act had been fully recited in this act.

SECTION 4. This act shall take effect and be in full force from and after its passage.

Approved March 31, 1863.

# CHAPTER 170.

[*Published April* 7, 1863.]

AN ACT to authorize the electors of the county of Polk to vote on the question of purchasing the toll bridge connecting St. Croix Falls, in the state of Wisconsin, with Taylor's Falls, in the state of Minnesota.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Question to be submitted to a vote.

SECTION 1. At the general election to be held in November, eighteen hundred and sixty-three, (1863,) the qualified electors of the county of Polk may vote upon the purchase, by said county, of one-half of the bridge now connecting the town of St. Croix Falls, in the state of Wisconsin, with the town of Taylor's Falls, in the state of Minnesota, together with all the privileges, rights and franchises accompanying the same, for the purpose of making the same a free bridge.

Form of ballots, &c.

SECTION 2. All votes given upon the question aforesaid shall be by ballot, upon which shall be written or printed either the words, "for the purchase of the bridge," or "against the purchase of the bridge." These ballots shall be deposited by the inspectors of elections in a separate ballot box to be by them for that purpose prepared; and in case a majority of all the votes cast on the question shall contain the words, "for the purchase of the bridge," and the county of Chisago, in the state of Minnesota, or any of the towns or citizens thereof, shall purchase one-half of said bridge for the purpose of making it a free bridge, it shall be the duty of the county board of supervisors of the said county of Polk, to immediately negotiate for and purchase one-half of said bridge as aforesaid, and levy a tax, and issue county orders therefor: *provided, however*, that the one-half of said bridge, thus purchased, shall not cost a sum exceeding twelve hundred and fifty dollars.

When one-half of bridge may be purchased and tax therefor levied.

Limit to cost.

How votes to be canvassed, returned, &c.

SECTION 3. The votes as above provided shall be canvassed and certified, and the result ascertained and declared by the same officers, at the time and in the manner provided by law for ascertaining the result of elections of state or county officers; and such result, when so ascertained, shall, by the canvassing officers,

be reduced to writing, and by them certified to be in all respects true and correct; and when the same is so reduced to writing, and certified to be in all respects true and correct, the clerk of the county board of supervisors shall record the same in some county record book in his office.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1863.

## CHAPTER 171.

[*Published April* 1, 1863.]

AN ACT to repeal chapter 189 of the local [general] laws of 1860, entitled "an act to change the boundaries of the town of Watertown, in the county of Jefferson."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Sections restored to town of Watertown.

SECTION 1. Chapter one hundred and eighty-nine of the local [general] laws of 1860, entitled "an act to change the boundaries of the town of Watertown, in the county of Jefferson," is hereby repealed; and sections one, two, three, ten, eleven, twelve, thirteen, fourteen and fifteen, of township number eight, north of range fourteen east, are hereby restored to and shall hereafter constitute a part of the town of Watertown, in said county of Jefferson, for all purposes whatever.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1863.

## CHAPTER 172.

[*Published April* 2, 1863.]

AN ACT to provide for the reletting of the contract for public printing.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The commissioners of public printing, as provided in chapter 315 of the laws of 1860, may relet the contract for public printing, from the date of the passage of this act until the 31st day of December, 1864, being the unexpired term of the contract with Messrs. Carpenter & Hyer, at such notice as they may deem proper for the public interest, without advertising for six weeks, as now provided by law. Authority to relet contract.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1863.

## CHAPTER 173.

[*Published April* 16, 1863.]

AN ACT to amend an act entitled "an act changing the time of holding the terms of the circuit court of Chippewa, Eau Claire, Dunn and Pepin."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The circuit court in the following named counties, shall be holden at the times hereinafter mentioned, to wit: In the county of Pepin, on the first Monday of March and the first Monday of September, in each year; in the county of Dunn, on the second Monday of March and the second Monday of September, in each year; in the county of Eau Claire, on the third Monday of March and the third Monday of September, in each year; in the county of Chippewa, on the fourth Monday of March and the fourth Monday of September, of each year. Terms of court. Pepin county. Dunn. Eau Claire. Chippewa.

Return of writs, &c.

SECTION 2. All writs, recognizances and other proceedings made returnable to the circuit court of any county above named, shall be considered and deemed to be returnable to the terms of such court as (*are*) fixed by this act; and all continuances and notices made as [or] taken to any term of the circuit court of any of said counties, shall be deemed to be made as [or] taken to the terms of such court, as the same are fixed by this act; and all motions and other proceedings noticed to be heard at any regular term of such court, shall be allowed and considerod to be noticed for hearing at the regular terms of such court, as the same are fixed by this act.

Repeal.

SECTION 3. All acts and parts of acts conflicting with this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after the first day of May, 1863.

Approved March 31, 1863.

## CHAPTER 174.

[*Published April* 13, 1863.]

AN ACT to provide for an order of reference to take testimony, in certain cases.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Order may be granted by judge or court commissioner.

SECTION 1. In all actions now pending or hereafter commenced in the circuit courts of this state, if the defendant fail to answer the complaint, the plaintiff may apply to the judge of said court, a county judge or court commissioner, and obtain an order of reference to take the proof of the facts and circumstances mentioned in the complaint in such action, and report the same to the next or some subsequent term of said court; and such order and report shall have the same force and effect as an order made in open court.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1863.

## CHAPTER 175.

[*Published April* 16, 1863.]

AN ACT to extend the time which the county board of supervisers of Milwaukee county are authorized to employ in the transaction of county business.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The county board of supervisors of Milwaukee county are hereby authorized to extend the time for the transaction of county business, not to exceed twenty-five days beyond the time now allowed them by law, in any one year; and they are hereby authorized to draw pay at the rate now provided by law for all the time thus employed in the transaction of county business: *provided*, that no such supervisor shall be allowed to draw pay for more than fifty days' attendance on the county board in any one year.

Time extended 15 days.

Per diem limited to 50 days.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1863.

## CHAPTER 176.

[*Published April* 16, 1863.]

AN ACT to amend section one of chapter 295 of the private and local [general] laws of 1862, entitled "an act authorizing the towns, cities and villages of the county of Fond du Lac to retain and dispose of certain license moneys."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTON 1. Section one of chapter two hundred and ninety-five of the private and local [general] laws of one thousand eight hundred and sixty-two, is hereby amended, so as to read as follows: "All moneys hereafter derived from licenses granted in the several towns, cities and villages of Fond du Lac county, in pursuance of chapter thirty-five of the revised statutes, shall, when paid into the treasuries of the several towns, cities and

License moneys to be paid into town, city and village treasuries.

villages of said county, where such licenses are granted, be held and disposed of in the same manner as the general town, city or village funds are now disposed of by law, any law to the contrary notwithstanding."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1863.

## CHAPTER 177.

[*Published April* 8, 1863.]

AN ACT to vacate Ketchum and De Witt's plat of Rattle Trap farm, in the city of Portage.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Vacated.

SECTION 1. The plat known as "Ketchum and De Witt's plat of Rattle Trap farm," situated on the west half of the south-east quarter, and the east half of the south-west quarter of section thirty-two, in township thirteen, north of range nine east, in the county of Columbia, is hereby vacated.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1863.

## CHAPTER 178.

[*Published April* 16, 1863.]

AN ACT to amend section thirty-seven of chapter seventy-nine of the revised statutes, entitled "of railroads."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Action to be brought in county where road runs.

SECTION 1. Section thirty-seven of chapter seventy-nine of the revised statutes, is hereby amended, so as to read as follows: "All actions brought or instituted

against any railroad corporation created by the laws of this state, except appeals from the awards of commissioners or jurors appointed under its act of incorporation to appraise compensation and damages for property taken for the use of such corporation, shall be brought in some county through which such railroad runs; and no proceedings shall be had or entertained in any such action, unless process shall have been duly served upon the president, secretary, superintendent or general attorney of such corporation: *provided*, that in all actions for damages where the amount claimed against any railroad company shall be five hundred dollars, or less than that sum, the process may be served upon any agent of the company against which the damage is claimed, who has charge of a depot or station on the line of railroad owned or operated by said company."

When process may be served upon any agent of the company.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1863.

## CHAPTER 179.

[*Published April* 10, 1863.]

AN ACT to amend section 1 of chapter 36 of the revised statutes, entitled "of the sale of intoxicating liquors to Indians."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of chapter 36 of the revised statutes, is hereby amended, so as to read as follows: "If any person shall sell, barter or give, or in any manner dispose of any intoxicating drink to any Indian, or to any mixed blood Indian who receives his annuity from the United States, within this state, he shall forfeit for every such offence the sum of fifty dollars, to be recovered by any person who will sue for the same in his own name, in an action before any justice of the peace of the county in which the offence shall be committed: *provided*, the provisions of this act and the act of which this is amendatory, shall not apply to

Penalty for selling or giving liquor to Indians.

Proviso.

civilized persons of Indian descent, not members of any tribe."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1863.

## CHAPTER 180.

[*Published April* 16, 1863.]

AN ACT relative to the sale of intoxicating liquors to mixed blood Indians.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Application of statutes.

SECTION 1. The provisions of chapter 275 of the general laws of 1862, entitled "an act relative to the sale of intoxicating liquors to Indians," shall apply in all respects as fully to the class of persons denominated "mixed blood Indians," who receive their annuity from the United States, as well as to Indians: *provided*, this act shall not apply to civilized persons of Indian descent, not members of any tribe.

Proviso.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1863.

## CHAPTER 181.

[*Published April* 16, 1863.]

AN ACT to amend section three of chapter eight of the laws of the extra session of 1861, entitled "an act to provide for the aid of volunteers in the service of the United States or of this state," section four of chapter one hundred and twelve of the laws of 1862, and section three of chapter three hundred and seventy-four of the laws of 1862.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

"Statements" in place of "certificates."

SECTION 1. Section three of chapter eight of the laws of the extra session of 1861, entitled "an act to

provide for the aid of volunteers in the service of the United States or of this state," is hereby amended, by striking out the word "certificate," in the sixth line of said section, and inserting the word "statement" therefor. Section four of chapter one hundred and twelve of the laws of 1862, is hereby amended, by striking out the words "certificate or," in the second line of said section; and section three of chapter three hundred and seventy-four of the laws of 1862, is hereby amended, by striking out the word "certificate," in the last line of said section, and inserting the word "statement" therefor.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1863.

## CHAPTER 182.

[*Published April* 16, 1863.]

AN ACT to amend chapter 72 of the private and local laws of 1858, entitled "an act to incorporate the city of Ripon."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Subdivision 1st of section 3 of chapter 4 of said act, is hereby amended, by striking out the words, "No license shall be granted for less than one year," and substituting therefor the words, "Such license shall be granted for the term of office only of the common council granting the same." Time for which licenses may be granted.

SECTION 2. Whenever any license shall be granted for a less term than one year, by virtue of this act, the common council granting the same shall have power to make a pro rata deduction from the amount required by law to be paid for such license, in proportion to the amount of time which may have elapsed after the term of office of such common council shall have commenced, and before the granting such license: *provided*, no such deduction shall be made reducing the amount required to be paid for such license, to less than one-fourth the Pro rata deduction on licenses. Limit.

amount required by law to be paid for the term of one year.

City one highway district—commissioner.

SECTION 3. The city of Ripon shall hereafter be and constitute one highway district, and the common council of said city shall appoint one street commissioner for said district, who shall hereafter perform all the duties of street commissioner for said city.

Special police.

SECTION 4. The mayor of said city of Ripon may, whenever in his judgement [judgment] it shall become necessary, appoint such number of special police officers, to serve on special occasions, as he may deem proper, and the compensation of such office [officers] shall be fixed by the common council, and be paid out of the general fund of said city.

Gutters, sewers, &c.

SECTION 5. The common council of said city of Ripon shall have power, by ordinance, to require the owners of land fronting on Watson street, in said city, to construct and keep in repair suitable gutters and sewers upon that portion of said street fronting their land, under the direction and supervision of the street commissioner, the same notice to be given as is required in case of constructing sidewalks; and in case of neglect to construct such gutters and sewers, the street commissioner shall cause the same to be constructed at the expense of said city; said expense to be levied by the common council and assessed by the clerk as a special tax against the lands of such owner or owners so neglecting to construct such gutters or sewers, and shall be collected as other city taxes are by law collectable.

City clerk—term of office.

SECTION 6. The term of office of city clerk of said city of Ripon, shall hereafter be two years.

Repeal.

SECTION 7. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1863.

# CHAPTER 183.

[*Published April* 16, 1863.]

AN ACT to amend an act entitled "an act to amend an act entitled 'an act to incorporate the city of Mineral Point,' approved March 2d, 1857," and also acts amendatory thereof, approved March 25th, 1858, March 17th, 1859, March 9th, 1860, and March 16th, 1861.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The fifth clause of section four of chapter eight of chapter seventy-eight of the general laws of 1861, approved March 16th, 1861, is hereby amended, so as to read as follows: "5th. To pay wages of teachers due after the application of the public moneys which may by law be appropriated, and provided for that purpose: *provided, however,* that no tax shall be levied for such purpose oftener than once in each year; *and provided, also,* that the amount to be raised for teachers' wages and for contingent expenses, in any one year, shall in no case exceed the sum of two thousand dollars, nor less than one-half of the amount of public moneys received by said city for school purposes, from the income of the school fund; and that the amount to be raised in one year for buying sites and erecting and repairing school houses and the appurtenances, shall not exceed one thousand dollars, save as excepted in the 17th section of this chapter."

Teachers' wages.

Tax therefor—limit to amount.

SECTION 2. At the next regular election to be held for the election of city officers, on the first Tuesday in April, in the years [year] 1863, at all places of holding elections in said city for the election of all officers required by law to be then elected, the question whether this act shall become a law and go into effect, or in any manner be in force, shall be submitted to the qualified electors of said city; and if the same shall be approved by a majority of all the votes cast on the subject, it shall go into effect, otherwise, it shall not go into effect or be in force.

Question to be submitted to a vote.

SECTION 3. The votes cast on the subject specified in the last preceding section, shall be by separate ballot, and shall have written or printed, or partly written

Form of ballots how canvassed, returned, &c.

and partly printed, on each of them, the words, "for the amendment of the city charter," or "against the amendment of the city charter," which words shall indicate the votes for or against the approval of this act and the ballots so cast shall be canvassed and returned in the same manner as the votes cast for city officers are required by the city charter (*so*) [to be] canvassed and the common council shall immediately on the completion of said canvass, publish a statement of the result thereof, in the official papers of said city.

Approved March 31, 1863.

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## CHAPTER 184.

[*Published April* 16, 1863.]

AN ACT to appropriate to the St. Mary's hospital, in the city of Milwaukee, the sum of three thousand dollars.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

$3,000.

SECTION 1. There is hereby appropriated out of any money in the treasury not otherwise appropriated, to the St. Mary's hospital, in the city of Milwaukee, the sum of three thousand dollars ($3,000.)

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1863.

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## CHAPTER 185.

[*Published April* 16, 1863.]

AN ACT to amend section 4 of chapter 131 of the general laws of 1862, entitled "an act to suspend the sale of certain lands mortgaged to the state or held by volunteers."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Time for application for relief limited.

SECTION 1. Section 4 of chapter 131 of the general laws of 1862, is hereby amended, by striking out

of the proviso "1862," at the end of said section, and insert [inserting] "1863" in lieu thereof, so that it will read: "*Provided*, that any application for relief under this act, shall be made to the commissioners aforesaid, on or before the 30th day of May, A. D. 1863."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1863.

## CHAPTER 186.

[*Published April* 13, 1863.]

AN ACT to regulate the redemption of the lands of volunteers in the service of the United States, sold for taxes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The lands of all volunteers of this state, in the service of the United States, or any interest they may have in lands sold for taxes, may be redeemed at any time within (*within*) two years from and after the first day of April, 1863. Time of redemption.

SECTION 2. Such redemption shall be made in the manner provided in section [sections] eighteen and nineteen of chapter twenty-two of the general laws of 1859. How redemption made.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1863.

## CHAPTER 187.

[*Published April* 14, 1863.]

AN ACT to amend chapter 236 of the general laws of 1861, entitled "an act for the government and management of the state reform school," and to repeal chapter 189 of the revised statutes, entitled "of the house of refuge"

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 2 of chapter 236 of the general laws of 1861, is hereby amended, [so as] to read Charge for maintenance—how paid.

as follows: "Section 2. From and after the first day of May, A. D. 1863, the superintendent of the state reform school shall charge to each of the several counties in this state, in a book provided by him for that purpose, the sum of one dollar per week for the care and maintenance of each person remaining in said state reform school, who was committed thereto as a vagrant, 'or by reason of incorrigible or vicious conduct,' or who may thereafter be received into said state reform school, committed for vagrancy or encorrigible [incorrigible] or vicious conduct, from each of such counties, respectively: *provided*, that the costs of original commitment of all persons to said state reform school, shall be chargeable to the county from which the person committed to said school is sent; *and provided, further*, that it shall be the duty of the superintendent of said state reform school to procure the arrest and return of any person escaping therefrom; and it shall also be the duty of any justice of the peace, marshal or constable, upon information of such escape, to arrest and return any such fugitive as above mentioned."

List of commitments.

Duty of officers.

Repeal.

SECTION 2. All acts or parts of acts inconsistent with the provisions of this act, is [are] hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 31, 1863.

## CHAPTER 188.

[*Published April* 16, 1863.]

AN ACT to enable the city and town of Ripon, formerly the town of Ceresco, to readjust and arrange their indebtedness on the bonds issued by the town of Ceresco, in aid of the construction of the Milwaukee and Horicon railroad.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

May issue bonds in exchange for those issued by town of Ceresco to aid Mil. and Hor. R. R.

SECTION 1. The city and town of Ripon, in the county of Fond du Lac, are hereby authorized to issue new bonds in exchange for those heretofore issued by the town of Ceresco, in aid of the construction of the

Milwaukee and Horicon railroad, now outstanding and unpaid, upon such terms as may be agreed upon between said city and town and the holders of such bonds, in the manner in this act provided, which new bonds may be made payable at such place and at such time, not exceeding twenty years from their date, as may be agreed upon with said holders; and they shall be payable to bearer, and be transferrable [transferable] by delivery, with coupons attached for interest, payable semi-annually, at a rate not exceeding seven per cent. per annum.

How payable, interest, &c.

SECTION 2. The common council of the city of Ripon shall appoint three freeholders, residents of said city, who shall constitute a board of commissioners, to be styled the "commissioners of the public debt of the city of Ripon," and the city clerk of said city shall notify such commissioners of their appointment, within ten days thereafter; and such commissioners if they consent to serve, shall accept such appointment in writing, which acceptance shall be filed with the city clerk. If said commissioners, or either of them, shall neglect or refuse to accept such appointment within ten days after being notified thereof, the said common council shall have power to appoint other commissioners in their stead; and said council shall have power to fill any vacancy in said board of commissioners that may occur from time to time, by reason of resignation or death, or from any other cause.

Commissioners of public debt of city.

Vacancy.

SECTION 3. The board of supervisors of the town of Ripon shall appoint three freeholders, residents of said town, who shall constitute a board of commissioners, to be styled the "commissioners of public debt of the town of Ripon," and the town clerk of said town shall notify such commissioners of their appointment within ten days thereafter; and such commissioners, if they shall consent to serve, shall accept such appointment in writing, which acceptance shall be filed with the town clerk of said town. If said commissioners, or either of them, shall neglect or refuse to accept such appointment and to file the same with the town clerk, as herein provided, within ten days after they shall have been notified thereof, the said board of supervisors shall have power to appoint other commissioners in their stead; and said board of supervisors shall have power to fill any vacancy in said board of commissioners that may occur from

Commissioners of public debt town.

Vacancy.

time to time, by reason of resignation or death, or from any other cause.

**Commissioners to determine proportion to be paid by city and town.**

SECTION 4. The commissioners of the public debt of the city of Ripon and of the town of Ripon, appointed in accordance with the provisions of this act, shall hold one or more joint meetings at such time and place as they shall agree upon; and at such meeting or meetings shall proceed to adjust and determin [determine] the proportion to be paid by such city and town, respestively, of the ammount [amount] that may be agreed upon by such city and town, as is hereinafter provided, in settlement of the bonds issued by the town or Ceresco in aid of the construction of the Milwaukee and Horicon railroad, having referrence, [reference,] so far as may be, to the assessed valuation of the real and personal estate of such city and town last made by the assessor [assessors] of such city and town before the making of such adjustment; and said commissioners, whenever they shall have adjusted and determined the proportion to be paid by said city and town, respectively, as herein provided, which shall be assented to and approved by a majority of boath bourds, [both boards,] shall file one report thereof, signed by a majority of each board of commissioners, in the office of the city clerk of the city of Ripon, and another like report in the office of the town clerk of the town of Ripon; and if the city and town of Ripon shall vote to accept any proposition that may be made to them by said bondholders, as is hereinafter provided, the amount to be paid shall be assumed by said city and town, in the proportions fixed in said reports.

**To file reports.**

**Acceptance of proposition.**

**Proposition of bondholders.**

SECTION 5. Whenever, after the filing of the reports as provided in the preceeding [preceding] section, the holders of not less than forty-four thousand dollars of the bonds issued by the town of Ceresco, in aid of the construction of the Milwaukee and Horicon railroad, or their attorney or attorneys, shall make a proposition in writing to the said city and town of Ripon, for the compromise of the indebtedness of such city and town, on said bonds, stating the amount to be paid by each upon the basis of the adjustment hereinbefore provided for, and such proposition shall be filed with the town clerk of the town (*clerk of the town*) of Ripon, and with the city clerk of the city of Ripon, it shall be the duty of the town clerk of the town of Ripon, whenever request-

**Notice of election in town, to vote on proposition.**

ed in writing by a majority of the commissioners of the public debt of the town of Ripon, to publish or to cause to be published, by posting in three or more public places in said town, notices of an election to be held by the legal voters of the town of Ripon, at the usual places of holding elections in such town, at such time as he may designate, which shall not be less than twenty nor more than thirty days from the date of such notice; which notice shall call upon said voters to deposit a ballot upon which shall be printed or written the words, "for the proposition of the bondholders," or the words, "against the proposition of the bondholders," or words of a similar import; and an election shall be held in accordance with such notice, which shall be conducted in the same manner that (*that*) general elections are required to be conducted in said town; and the votes cast at such election shall be counted, canvassed and returned in the same manner as the votes at any general election; and the canvassers shall make, certify, sign and deposit with the town clerk of the town of Ripon, a statement of the the whole number of votes cast upon the question, as well as a statement of the number "for the proposition of the bondholders," and of the number "against the proposition of the bondholders," and such statement shall be conclusive evidence of the fact as to the number of votes cast for and against such proposition, and also of the fact that such election was regularly held and conducted according to law.

How election to be conducted, votes canvassed, &c.

SECTION 6. After any proposition shall have been made and filed in accordance with the provisions of the preceeding [preceding] section, it shall be the duty of the common council of the city of Ripon, upon the request of a majority of the commissioners of the public debt of the city of Ripon, to appoint an election to be held in the different wards of the city of Ripon, at the usual places of holding general elections in such wards, and at such time as they shall appoint, not less than twenty and not more than thirty days from the date of such appointment, for the purpose of voting upon such proposition of the bondholders; and the city clerk shall forthwith publish, or cause to be published, by posting up copies thereof in two or more public places in each ward of said city, a notice of such election, calling upon the legal voters of the city of Ripon, at such election, to deposit a ballot upon which

Election in city, to vote on proposition.

shall be printed or written the words, "for the proposition of the bondholders," or the words, "against the proposition of the bondholders," or words of a similar import. Such election shall be held and conducted in the same manner that general elections are required to be held and conducted in said city of Ripon; and the votes cast at such election shall be counted, returned and canvassed in the same manner as the votes at any general election; and the canvassers shall make, sign and deposit with the city clerk of the city of Ripon, a statement of the whole number of votes cast upon the question, as well as a statement of the number "for the proposition of the bondholders," and of the number "against the proposition of the bondholders," and such certificate shall be conclusive evidence of the fact as to the number of votes cast for or against such proposition, and also of the fact that such election was regularly held and conducted according to law.

How election to be conducted, votes canvassed, &c.

If election in favor of proposition, chairman of board of town to execute and deliver bonds to commissioners.

SECTION 7. If a majority of the legal voters voting on the question, of the city of Ripon and of the town of Ripon, at any elections held in pursuance of this act, shall, as indicated by the official returns of such elections, vote for the proposition of the bondholders, it shall be the duty of the chairman of the board of supervisors and the town clerk of the town of Ripon, to execute and deliver to the commissioners of the public debt of the town of Ripon, bonds of the town of Ripon for the amount to be paid by the town of Ripon, according to the proposition of the bondholders and the adjustment provided for in this act, which shall be for the sum of five hundred dollars each, unless, in order to adjust the amount due any bondholder it shall be necessary to issue to him a bond of less amount than five hundred dollars, which bonds shall be signed by the chairman of the board of supervisors and countersigned by the town clerk of the town of Ripon; and the commissioners of the public debt of the town of Ripon, or a majority of them, shall endorse upon such bonds a certificate that the same are issued in pursuance of the provisions of this act, and such certificate shall be conclusive evidence that the same have been duly issued in accordance with the provisions of this act; and it shall be the duty of the mayor and clerk of the city of Ripon to execute and deliver to the commissioners of the public debt of the

Amount of each bond.

How signed, &c.

Certificates.

Mayor and clerk of city to execute and deliver bonds to commissioners.

city of Ripon, the bonds of the city of Ripon for the amount to be paid by the city of Ripon, according to said proposition and adjustment, which shall be for the sum of five hundred dollars each, (unless, in order to adjust the amount due any bondholder, it shall be necessary to issue to him a bond of less amount than five hundred dollars,) and shall be signed by the mayor and countersigned by the city clerk of the city of Ripon; and the commissioners of the public debt of the city of Ripon, or a majority of them, shall endorse upon such bonds a certificate that the same are issued in pursuance of this act; and such certificate shall be conclusive evidence that the same has been duly issued in pursuance of this act. The bonds issued by said town and city shall be in such form, and be payable, principal and interest, at such times and at such place as proposed in the proposition of the bondholders: *provided*, they shall not conflict in any manner with the provisions of section 1 of this act.

Amount of each bond.

How signed, &c.

Certificate.

Bonds—form, when and where payable, interest, &c.

SECTION 8. After the bonds of the city and town of Ripon shall have been placed in the hand [hands] of the commissioners of the public debt of said city and town, as provided in section seven of this act, it shall be the duty of said commissioners of said city and town to hold a joint meeting at such time and place as they may agree upon; and they shall give notice thereof, by mail, to all of the holders of the bonds issued by the town of Ceresco, as aforesaid, whose residence [residences] shall have been made known to them; and at such meetings said commissioners shall, upon the surrender to them by any holder of the bonds of the town of Ceresco, issued in aid of the construction of the Milwaukee and Horicon railroad, of such bonds as may be held by him, deliver to such holder the amount and number of bonds issued by the city of Ripon and town of Ripon to which he would be entitled by the terms of the proposition mentioned in section five of this act; and if all the bonds issued by said town of Ceresco, as aforesaid, shall not be surrendered and exchanged at the first meeting of the commissioners, provided for in this section, the commissioners may hold other or adjourned meetings, of which notice shall be given, by mail, to the holders whose residence [residences] shall be known to them, who have not surrendered their bonds; and at such meetings said commissioners shall exchange the bonds of the city and town

Joint meeting of commissioners, and notice thereof to bondholders.

Exchange of bonds.

Adjourned meetings, and exchange of bonds thereat.

of Ripon for such of the town of Ceresco as shall be surrendered by any holder thereof, as herein provided; and said commissioners shall cancel all such bonds as shall be surrendered to them as aforesaid, and deposit the same as cancelled [canceled] in the office of the town clerk of the town of Ripon or of the clerk of the city of Ripon.

Cancellation of surrendered bonds.

Re-submission of proposition.

SECTION 9. If a majority of the legal voters voting on the question, of the city of Ripon and the town of Ripon, at any election held in pursuance of the provisions of this act, shall, as indicated by the official returns of such elections, vote against any proposition of the bondholders, it shall be lawful for said city and town, or either of them, to hold another election or other elections to vote upon the same, or any other proposition of the bondholders, submitted in the manner hereinbefore provided; and such elections shall be called and held in the same manner, and the same proceedings shall be had and the same steps and measures taken subsequent thereto, as is hereinbefore provided; and whenever a majority of the legal voters voting on the question, of the city and town of Ripon, at any elections held in pursuance of this act, shall, as indicated by the official returns of such elections, vote for any proposition of the bondholders, the mayor and clerk of the city of Ripon and the chairman of the board of supervisors and the town clerk of the town of Ripon, shall issue new bonds for the amount to be assumed by each, and the same shall be delivered to the commissioners of the public debt of the city of Ripon and of the town of Ripon, respectively; and the same shall be exchanged by them for the said bonds of the town of Ceresco, with the holders thereof, as is hereinbefore provided: *provided*, that nothing contained in this act, nor any act of the city or town of Ripon, or of the officers thereof, under the provisions of this act, shall be construed as admitting or creating any liability on the part of such city or town, upon said bonds issued in aid of the construction of the Milwaukee and Horicon railroad, unless a majority of the voters of both said city and town shall vote to accept a proposition of the holders of said bonds, in accordance with the provisions of this act; and if a majority of the voters of said city and town shall vote to accept any proposition of the bondholders, such acceptance shall not bind said city and town, nor either of them, to pay nor be con-

No liability against city or town to exist, unless each vote to accept proposition.

City and town only liable to pay such proportions of the bonds as they may agree to.

strued into an admission on their part of any liability to pay any part of said bonds, except in the manner and proportions named in the proposition so accepted by said city and town.

Tax on city for annual interest on bonds, and principal when due.

SECTION 10. A tax upon all taxable property of the city of Ripon shall be levied and collected in each year, sufficient to pay the annual interest upon all bonds issued by said city in pursuance of this act, and to pay the principal when it shall fall due, and the common council of said city of Ripon, in any year before the maturity of the principal in said bonds, may, by a vote of at least two-thirds of the members thereof, raise an additional sum, in order to redeem any part of the outstanding bonds before they shall fall due, upon such terms as may be agreed upon between the holders of such bonds and the common council; which sums for the payment of interest and principal, and for redeemed [redeeming] any part of said bonds before due, shall be levied, collected and enforced in the same manner as other general city taxes of said city are levied, collected and enforced by law.

How levied, &c.

Tax on town for annual interest on bonds, and principal when due.

SECTION 11. A tax upon all the taxable property of said town of Ripon shall be levied and collected in each year, sufficient to pay the annual interest upon all bonds issued by said town, in pursuance of this act, and to pay the principal when it shall fall due; and said town of Ripon, at any annual meeting in said town, in any year before the maturity of said bonds, may, by a vote of a majority of the legal voters of said town present and voting thereon, raise any additional sum in order to redeem any part of the outstanding bonds before they shall fall due, upon such terms as may be agreed upon between the holders of such bonds and the board of supervisors of said town; which sums for the payment of interest and principal and for redeemed [redeeming] any part of said bonds before due, shall be levied, collected and enforced in the same manner as other general taxes of said town are levied, collected and enforced by law.

How levied, &c.

Faith of city and town pledged to payment of bonds which they may issue.

SECTION 12. The city and town of Ripon shall be severally liable in law faithfully, promptly and at maturity, to pay and discharge the principal and interest due upon every such bond issued by them, respectively, in accordance with the provisions of this act; and the separate faith of said city and said town shall, by the issue of such bonds, be irrevocably and inviolably pledged to the prompt discharge of every such liability.

SECTION 13. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1863.

## CHAPTER 189.

[*Published April* 16, 1863.]

AN ACT to remit to the City bank of Kenosha, located at Kenosha, a certain sum of money therein named.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

$95,75 remitted.

SECTION 1. There is hereby remitted to the City bank of Kenosha, located at Kenosha, in the state of Wisconsin, the sum of ninety-five 75-100 dollars, being amount of bank tax paid by said bank upon sixty-five thousand dollars of its capital stock into the state treasury, since the 30th day of June, A. D. 1862.

Appropriation.

SECTION 2. The state treasurer is hereby authorized and required to pay to said bank, on demand, the said sum of money mentioned in section one of this act; and there is hereby appropriated out of any money in the state treasury not otherwise appropriated, an amount sufficient for such purpose.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 31, 1863.

## CHAPTER 190.

[*Published April* 16, 1863.]

AN ACT to authorize the city council of the city of Green Bay to subscribe, in behalf of said city, eight thousand dollars to the capital stock of the Chicago and Northwestern railway company, and to issue bonds to pay for the same.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Council authorized to subscribe $8,000.

SECTION 1. The council of the city of Green Bay are hereby authorized to subscribe, in the name and be-

half of said city, to the capital stock of the Chicago and Northwestern railway company, the sum of eight thousand dollars, if said company will receive the same and issue their capital stock therefor: *provided, however*, that no such subscription shall be made by said city council unless a majority of the legal voters of said city voting on the question, shall first vote in favor of such subscription, in the manner in this section provided. The city council of said city of Green Bay is hereby authorized to cause to be published a notice of an election to be held by the legal voters of said city, at the usual places of holding elections in said city, at such time as may be designated in said notice, which time shall not be less than fourteen days from the date of said notice, and which notice shall call upon the voters of said city to deposit a ballot upon which shall be written or printed the words, "for the railroad subscription," or the words, "against the railroad subscription." The said election shall be held and conducted in the same manner that general elections are required by law to be held and conducted, and the votes cast at such election shall be counted, canvassed and returned in the same manner as the votes at any such general election; and the canvassers shall make, certify, sign and deposit with the clerk of said city, a statement of the whole number of votes cast upon the question, as will [well] as a statement of the number for the railroad subscription, and the number against the railroad subscription; and such certificate shall be concive [conclusive] evidence of the fact as to the number of votes cast for or against such proposition, and also of the fact that such election was regularly held and conducted according to law, as in other elections held and conducted according to law. If a majority of the votes cast at the election provided for in this section shall be "for the railroad subscription," it shall be the duty of said city council to subscribe to the capitol [capital] stock of said railway company provided in this section.

Question to be voted upon.

Form of ballots.

How canvassed, &c.

If vote in favor of question, council may subscribe.

SECTION 2. For the purpose of paying such subscription, the said city council shall have the power, and they are hereby authorized to issue the bonds of said city of Green Bay to the amount of eight thousand dollars, bearing seven per cent. interest, and in sums not to exceed one thousand dollars each, payable

Tax for payment of subscription.

within ten years from date, at such time and place as said city council may determine, the coupons of which bonds shall be received for all city taxes.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1863.

## CHAPTER 191.

[*Published April* 16, 1863.]

AN ACT to legalize the official acts of Alanson Hickok, as chairman of the board of supervisors of the county of Manitowoc.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Acts legalized.

SECTION 1. That all the official acts of Alanson Hickok, as chairman of the county board of supervisors of the county of Manitowoc, in this state, prior to the passage of this act, so far as the same are consistent with the general laws of this state, are hereby legalized and declared to be as valid, for all purposes, as though the said Alanson Hickok had been elected chairman of the county board of supervisors of the said county of Manitowoc, at the time appointed by law.

County board to elect chairman.

SECTION 2. The county board of supervisors of the said county of Manitowoc shall, at their first meeting after the passage and publication of this act, elect a chairman in the manner now prescribed by law, who shall hold the office until the expiration of the term for which the said county board of supervisors are now elected.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1863.

## CHAPTER 192.

[*Published April* 16, 1863.]

AN ACT to amend chapter 34 of the private and local laws of 1861, entitled "an act to amend chapter 279 of the session laws of 1857, entitled 'an act to incorporate the Oshkosh and Wausau railroad company.'"

(*See supplement to local laws.*)

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## CHAPTER 193.

[*Published April* 16, 1863.]

AN ACT to amend chapter 35 of the general laws of the year 1862, entitled "an act to authorize Thomas Hinton, B. F. Cooper, Orlando Curtis and their associates to construct and maintain a slide on Big Bull falls, on the Wisconsin river."

(*See supplement to local laws.*)

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## CHAPTER 194.

[*Published April* 16, 1863.]

AN ACT to provide for the indexing and transcribing the journals of the senate and assembly.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to F. M. Stewart, chief clerk of the senate, for indexing the senate journal, the sum of one hundred dollars, and for completing the transcribing of the senate journal, the sum of one hundred dollars. Appropriation to F. M. Stewart.

SECTION 2. There is hereby appropriated to John S. Dean, chief clerk of the assembly, for indexing the assembly journal, the sum of one hundred dollars, and for completing the transcribing of the assembly journal, the sum of one hundred and fifty dollars. Ibid. J. S. Dean.

When money to be drawn.

SECTION 3. No money hereby appropriated shall be drawn from the treasury, until the secretary of state shall certify that the duties herein provided for shall have been, respectively, performed.

SECTION 4. This act shall take effect from and after its passage and publication.

Approved April 1, 1863.

## CHAPTER 195.

[*Published April* 2, 1863.]

AN ACT to authorize and empower the city of Ripon and the city of Fond du Lac, and certain towns therein named, to aid in the construction of certain railroads.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Companies referred to.

SECTION 1. It is hereby provided, that if the Sheboygan and Mississippi railroad company, by virtue of its charter or by any law of this state, shall, under the conditions of said charter, its obligation and authority, grade and complete a railroad from Fond du Lac to Ripon, through the town of Rosendale, or any other legally authorized railroad company grading, completing and owning a railroad from Fond du Lac to Ripon, through the town of Rosendale, under and by virtue of any charter or other law of this state, such company and the Sheboygan and Fond du Lac railroad company shall be the companies referred to in the provisions of this act, by whatever corporate name they or either of them may be known.

Cities and towns authorized to raise taxes in aid of railroads.

SECTION 2. The city of Ripon, the town of Ripon, the town of Rosendale, the town of Springvale, the town of Eldorado, the town of Lamartine, the town of Fond du Lac, the town of Taycheedah, the town of Empire and the city of Fond du Lac, are hereby, respectively, authorized and empowered, and the same is hereby declared to be legal, to levy and collect a tax upon the assessed valuation of property in said towns and cities, respectively, in accordance with the provisions of this act, to be used and paid out in aid of the

construction of railroads, in the manner herein directed, and not otherwise.

SECTION 3. The said tax shall not be levied until the question has been submitted to a vote of the people of said towns and cities, respectively, qualified to vote at general elections, and a majority of those voting at such election shall have declared in favor of such railroad aid tax, in the manner herein directed.

Question to be voted upon.

SECTION 4. It shall be lawful for the city of Ripon and the town of Ripon, respectively, at the annual election on the first Tuesday in April, 1863, for the election of city and town officers, to vote on the subject of the railroad tax contemplated by this act, at which election all those persons voting in favor of levying said tax shall deposit a ballot containing the words, "for railroad tax," and all those persons voting against said tax shall deposit a ballot containing the words, "against railroad tax." Said election shall be conducted in the same manner as the election for city and town officers, and the vote shall be canvassed in the same manner, and it shall be the duty of the board of inspectors of said election to make a certificate of the result of the same, setting forth the number of votes cast for and against said tax, which said certificate shall be recorded by the clerks of said city and towns, respectively, in the records thereof, and file the same in their respective offices.

When question to be submitted in city and town of Ripon—form of ballots, how canvassed, &c.

SECTION 5. If a majority of all the votes polled at said election in the city of Ripon, shall be in favor of said railroad aid tax, then the common council of the city of Ripon shall be required, and by this act are empowered and directed, within ten days after the result of said elections shall have been declared as herein provided, to levy and authorize the collection of a special tax of not less than five mills on the dollar, upon the equalized value of the taxable property of said city, and in the fall of the year (*A. D.*) 1863, and in each and every year thereafter, a like assessment of five mills upon the dollar shall be levied and collected with the general tax in each of those years, until the sum of fifteen thousand dollars shall have been collected: *provided*, that in the last year in which such tax is levied and collected, no greater per centage shall be levied than will be necessary to raise the balance re-

If election in city of Ripon be in favor of proposition, a tax to be annually raised until $15,000 shall have been collected.

quired to make up the aggregate sum of fifteen thousand dollars aforesaid.

Warrant for and collection of tax, &c.

SECTION 6. The clerk of the said city of Ripon shall, within thirty days after the said tax shall have been ordered as herein provided, make out the assessment roll for the collection of the said tax of five mills upon the dollar as aforesaid, and attach thereto a warrant for the collection of the same, which said warrant shall be in the form now prescribed by law for warrants for the collection of taxes, except that the treasurer shall not therein be required to pay over the moneys collected to the county treasurer, but he shall in and by said warrant be required and commanded to collect said tax, and pay over the moneys within six weeks from the receipt of said warrant, to the trustees of the railroad aid fund created and appointed by this act, and hereinafter mentioned; and it shall be the duty of said treasurer to collect the said tax and pay over the money in conformity to the mandate of said warrant, and for that purpose he shall have the same powers as under a warrant for the collection of a general tax, and all laws applicable to the collection of a general tax shall be applicable to the collection of the tax provided by this act.

If election in town of Ripon be in favor of proposition, a tax to be annually raised until $10,000 shall have been collected.

SECTION 7. If a majority of all the votes polled in the town of Ripon shall be cast in favor of said railroad aid tax, then the board of supervisors of said town of Ripon shall, within ten days after the result of said election shall have been declared as herein provided, and they are hereby authorized, empowered and directed, to levy and authorize a collection of a tax of not less than five mills on the dollar of the equalized valuation of the taxable property of said town, as fixed upon the last assessment roll of said town; and in the fall of the year (*A. D.*) 1863, and in each and every year thereafter, a like assessment of five mills upon the dollar shall be levied and collected with the general tax in each year, until the sum of ten thousand dollars shall have been collected: *provided*, that in the last year in which such tax is levied and collected, no greater per centage shall be levied than will be necessary to raise the balance required to make up the aggregate sum of ten thousand dollars aforesaid to be raised from said town of Ripon. And it shall be the duty of the clerk of the town of Ripon, within thirty

Warrant for and collection of tax, &c.

days after the said tax shall have been ordered by the board of supervisors of said town of Ripon, to make out the assessment roll and attach thereto a warrant for the collection of the said tax, in all respects as is provided herein for the city of Ripon; and the treasurer of the town of Ripon shall collect the said tax and pay over the moneys in all respects as is provided in this act for the city of Ripon, and for that purpose all of the provisions and powers herein contained for the treasurer of the city of Ripon, are extended to and made applicable to the treasurer of the town of Ripon.

Special election in town of Rosendale.

SECTION 8. There shall be held in the town of Rosendale, on the second Tuesday in April, a special election, to vote on the subject of the railroad aid tax contemplated in this act. The election shall be held at the place of the last town meeting. The qualifications of voters at such election shall be the same as at town meetings, and all the provisions of law relative to conducting town meetings shall be applicable to the election held under this act. The form of the ballot shall be the same as herein prescribed for the city and town of Ripon, and the votes shall be canvassed and the result certified and recorded in the same manner as herein prescribed for said city and town.

Form of votes, how canvassed, &c.

Special elections in towns of Springvale, Eldorado and Lamartine.

SECTION 9. There shall be held on the second Tuesday in April next, special elections in the several towns of Springvale, Eldorado and Lamartine, at which election it shall be lawful for the qualified voters of those towns, respectively, to vote on the subject of the railroad aid tax contemplated by this act. The said election shall be held at the place in which the last election was held in those towns, and shall be conducted in the same manner in all respects as is provided by law for annual town elections. The form of the ballot to be used shall be the same as in this act is prescribed for the city and town of Ripon, and the vote shall be canvassed and the result certified and recorded as in this act is provided for the city of Ripon.

Where to be held.

Form of votes, how returned, &c.

Special elections in towns of Fond du Lac, Taycheedah and Empire, and city of Fond du Lac.

SECTION 10. There shall be held (*a*) special election [elections] in the several towns of Fond du Lac, Taycheedah and Empire, and the city of Fond du Lac, or any one of them, on such day as shall be designated by a notice to be signed by ten voters of the town or city, and the secretary of the Sheboygan and Fond du Lac railroad company, and published at least twenty

cent. interest after the day of payment: *provided*, that no order shall draw interest until it shall have been presented to the treasurer for payment.

Railroad fund.

SECTION 14. The moneys arising from the first assessment under this act, and the town and city orders to be issued under the provisions of the foregoing section, shall constitute the railroad aid funds contemplated by this act.

Trustees of fund.

SECTION 15. Charles F. Hammond and Bertine Pinkney of the city of Ripon, and Clinton Matteson of the town of Rosendale, are hereby appointed trustees of such railroad aid fund as shall be collected in the city of Ripon and the towns of Ripon, Rosendale. Springvale, Eldorado and Lamartine; and B. F. Moore of the city of Fond du Lac, Edward Pier of the town of Fond du Lac, and L. H. Phillips of the town of Empire, are hereby appointed trustees of said part and portion of said railroad aid fund as shall be collected in the city of Fond du Lac and the towns of Fond du Lac, Taycheedah and Empire; and such boards of trustees are hereby separately empowered to receive, hold and disburse the moneys, city and town orders, the custody of which they shall be entitled to by the provisions of this act, and not otherwise.

Boards of trustees—on what roads funds to be expended.

SECTION 16. Charles F. Hammond and Bertine Pinkney of the city of Ripon, and Clinton Matteson of the town of Rosendale, shall form and constitute one board of trustees under the provisions of this act, and shall be entitled to the custody of such railroad aid funds as shall be voted and collected in the city of Ripon and in the towns of Ripon, Rosendale, Springvale, Eldorado and Lamartine, and ten thousand dollars from the city of Fond du Lac, if voted, all of which said funds shall be expended in aid of the railroad from the city of Fond du Lac to the city of Ripon, as elsewhere provided in this act. B. F. Moore of the city of Fond du Lac, L. H. Phillips of the town of Empire, and Edward Pier of the town of Fond du Lac, shall form and constitute another distinct and separate board of trustees, under the provisions of this act, and shall be entitled to the custody of all such railroad aid funds as shall be voted and collected in the towns of Fond du Lac, Taycheedah and Empire, and fifteen thousand dollars from the city of Fond du Lac, all of which said funds shall be expended upon the Sheboy-

gan and Fond du Lac railroad lying east of the city of Fond du Lac, anything in this act to the contrary notwithstanding.

SECTION 17. It shall be the duty of the treasurers of each of the towns herein named, and the treasurer of each of the cities of Fond du Lac and Ripon, to pay over each to the proper board of trustees, as specified in the preceding section, all moneys collected by the tax herein provided to be levied in the spring of 1863: *provided*, that no such money shall be paid over to the said boards of trustees until the members of each board, respectively, shall have jointly filed with each of said treasurers from whom it shall be its duty to receive any railroad fund, a bond, payable to the board of supervisors of any such town and to the mayor and common council of any such city, in a penalty of double the amount of the funds to be by them received from any such towns or cities, conditioned for the faithful execution of their trusts and the faithful disbursement of said funds according to the provisions and true intent and meaning of this act.

**Taxes to be paid over to trustees.**

**Trustees to give bonds.**

SECTION 18. The town clerk of each of the towns herein named, and the city clerk of each of said cities, shall in like manner deliver over to the proper board of trustees, the town and city orders herein authorized and directed to be issued in aid of said railroads; and each board of trustees shall hold such portions of moneys and town and city orders as shall properly come into its possession, in trust for said several towns and cities, and the railroad companies contemplated to be aided under the provisions of this act.

**Orders to be delivered to trustees.**

**To be held in trust.**

SECTION 19. It shall be lawful for the different boards of trustees, and they are each hereby empowered, to demand and receive all of the said railroad aid funds that shall belong to them, respectively, from the several towns and cities mentioned in this act, and they shall pay over and deliver said funds to the railroad companies contemplated to be aided by this act, at the times and in the manner following, and not otherwise: Whenever one-fourth of the grading of the railroad from the city of Fond du Lac to the city of Ripon is completed, then the board of trustees having charge of the aid fund belonging to that road, shall deliver and pay over to the directors of the railroad company doing such work, one-fourth of the fund so held by them as such

**Manner in which the funds shall be paid to railroads.**

trustees. So soon as one-half of the grading of such road is completed as aforesaid, one other fourth of said fund shall be delivered and paid over as aforesaid; and so soon as the said railroad is fully graded and bridged from Ripon to Fond du Lac, and the ties for the same provided and delivered on the line of said road, then the said trustees shall deliver to such railroad company the whole of the fund so held by them to aid in constructing said road, whether the sums be in money or town and city orders. Whenever the Sheboygan and Fond du Lac railroad is completed and in running order for one-half of the distance from the village of Glenbulah, in Sheboygan county, to the city of Fond du Lac, then the board of trustees having charge of the said fund belonging to that railroad, shall deliver and pay over to the directors of said railroad company doing such work, one-half the funds so held by them as such trustees. Whenever all the road is completed as aforesaid to the city of Fond du Lac, the whole of the funds so held by such trustees shall be paid over and delivered to the directors of said railroad company, whether the same be in money or in town or city orders.

**Orders negotiable.**

SECTION 20. The town and city orders to be issued under the provisions of this act shall be negotiable by delivery of the same, and the holders thereof shall receive the same protection as the holders of negotiable promissory notes and bills of exchange.

**Return of delinquent taxes, &c.**

SECTION 21. The delinquent taxes arising under this act shall be returned to the county treasurer in all respects as now provided by law for delinquent taxes, except that all delinquencies arising from the tax herein provided to be levied in the spring of 1863, shall remain in the hands of the county treasurer until the spring of 1864, and they shall then be added to the delinquencies of the general tax, and be collected with the same.

SECTION 22. This act shall take effect and be in force from and after its passage.

Approved April 1, 1863.

# CHAPTER 196.

[*Published April* 16, 1863.]

AN ACT authorizing the governor to take care of the sick and wounded soldiers of the Wisconsin volunteers, and appropriating money out of the treasury for that purpose.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby set apart and appropriated out of any money in the state treasury not otherwise appropriated, the sum of fifteen thousand dollars, to be paid out and expended upon the order of the governor of the state, for the liquidation of all such claims as shall hereafter accrue by authority of the governor, in the necessary care of the sick and wounded soldiers of the Wisconsin volunteers, and for carrying such sick and wounded solders into this state, when the same shall be proper and necessary; and the state treasurer is hereby authorized and required to pay, upon the order of the governor of the state, out of any money in the treasury not otherwise appropriated, the sum of fifteen thousand dollars aforesaid, or so much thereof as shall be so ordered by the governor for the purposes aforesaid, which order or orders of the governor shall be sufficient vouchers for the payment of the said sum, or so much thereof as shall be ordered to be paid out of the treasury as aforesaid, to be charged over to the war fund, and repaid to the treasury from the war fund.

$15,000 appropriated.

Authority to treasurer.

SECTION 2. The governor of the state is hereby authorized to take such measures as he shall deem proper and necessary to care for the sick and wounded soldiers of the Wisconsin volunteers now in or hereafter to be in the service of the state or of the United States government, and for carrying such sick and wounded soldiers into this state, when the same shall be proper and necessary; and he is hereby authorized to draw his order or orders upon the state treasurer for so much money, not exceeding the sum of fifteen thousand dollars in all, as shall be actually necessary to pay any expense accruing by reason thereof.

Authority to governor.

SECTION 3. The governor is hereby required to make out and report to the legislature at its next session, the

Report.

amounts so expended by him, and fully in what manner such money has been expended.

Approved April 1, 1863.

## CHAPTER 197.

[*Published April* 16, 1863.]

AN ACT to amend section one of chapter three hundred and six of the general laws of 1860, entitled "an act relating to the assessment and collection of taxes on school, university and swamp lands, and of all lands mortgaged to the state," and to repeal section one hundred and eighty of chapter eighteen of the revised statutes, entitled "of taxes."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Sec'y of state to make abstracts for clerks of supervisors, of patented and other lands.

SECTION 1. Section one of chapter three hundred and six of the general laws of 1860, is hereby amended. as follows: By striking out all after the word "provided," in the tenth and eleventh lines of said section, and inserting the following: "That the secretary of state shall, before the fifteenth day of May, 1863, make out and transmit to the clerk of the county board of supervisors of each county of this state, an abstract containing a correct and full statement and description of all school, university, swamp and other lands which have been patented by the state, and all state lands which are held on contract, and all lands mortgaged to the state as aforesaid, and also, all forfeited mortgaged lands in such county; and shall annually thereafter transmit to each of said clerks of boards of supervisors, a statement of all lands in their respective counties which have been patented, sold on contract, forfeited or mortgaged during the year; and the said clerks of boards of supervisors shall enter the said statements upon the abstracts so furnished by the secretary of state; and the said clerks of boards of supervisors shall immediately after the receipt of said abstract and statements from the secretary of state, make out and transmit to the clerk of each town or city in their respective counties, a list from said abstracts and statements of the lands so held on contract or mortgaged to the state, in such town or city."

Clerks to make lists for town and city clerks.

SECTION 2. Section one hundred and eighty of chapter eighteen of the revised statutes, is hereby repealed. Repeal.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1863.

## CHAPTER 198.

[*Published April* 17, 1863.]

AN ACT to appropriate a certain sum of money to the persons therein named, for compiling the legislative manual.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to F. M. Stewart, chief clerk of the senate, and to John S. Dean, chief clerk of the assembly, out of any money in the state treasury not otherwise appropriate, the sum of fifty dollars each, in full payment for extra services in compiling, arranging and reading proof of the legislative manual for the year 1863. Appropriation to F. M. Stewart and J. S. Dean.

SECTION 2. In case the legislature shall adjourn previous [previously] to the completion of said work, it shall be the duty of the said clerks to forward to each member of their respective houses, the manuals to which they are entitled, by mail or otherwise, as each member shall direct: *provided*, that the expense of forwarding the same, if sent by mail, be paid to said clerks beforehand, by the persons so directing. Manuals to be sent to members by mail.

SECTION 3. The superintendent of public property is hereby authorized to furnish said clerks with the necessary wrapping paper, twine and mucilage, to enable them to comply with the requirements of section two of this act. Duty of sup't public property.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1863.

## CHAPTER 199.

[*Published April* 17, 1863.]

AN ACT to amend sections two and six of chapter 164 of the local [general] laws of 1860, entitled "an act relating to public schools in the city of Oshkosh."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Salary of clerk of board of education.

SECTION 1. Section two of chapter 164 of the local [general] laws of the year 1860, is hereby amended, so as to read as follows: "The compensation of the clerk of the board of education shall not exceed the sum of one hundred dollars per annum."

Contracts with teachers.

SECTION 2. Section six of chapter 164 aforesaid, is hereby amended, so as to read as follows: "No contracts for the employment of teachers shall extend beyond the next annual charter election after such contract or contracts are made."

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 1, 1863.

## CHAPTER 200.

[*Published April* 17, 1863.]

AN ACT to vacate certain blocks and streets in the village of Orford, in the county of Rock.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Blocks and streets vacated.

SECTION 1. All of blocks numbers twelve, thirteen and twenty, in the village of Orford, in the county of Rock, excepting lots numbers one, two, three and four, in block number thirteen, and all the streets intersecting the same, except Beloit street and Main street, as the said lots, blocks and streets are described in the recorded plat of said village, are hereby vacated.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1863.

## CHAPTER 201.

[*Published April* 3, 1863.]

AN ACT to provide for the publication of eight thousand copies of a school code.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The supeintendent [superintendent] of public instruction is hereby authorized to procure the publication, in pamphlet form, of eight thousand copies of a school code, containing all the school laws of the state, together with necessary instructions and forms, with a suitable index, to be printed by the persons authorized to do the state printing, at the expense of the state; and he is further directed to furnish a copy of said code to each school district clerk, each town clerk and each county superintendent of schools of the state. Authority to sup't public instruction.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1863.

## CHAPTER 202.

[*Published April* 16, 1863.]

AN ACT to vacate the plat of "Balsam lake," in the county of Polk.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. All of the plat of "Balsam lake," in the county of Polk, situated in the north-east (N. E.) quarter of section ten, in township thirty-four, of range seventeen west, is hereby vacated: *provided, however,* that any person or persons owning a lot or lots in the aforesaid plat, for the purpose of sale or paying taxes thereon, may describe such lots as heretofore, to wit: as lot ——, of block ——, in the village plat of "Balsam lake." Plat vacated.

How lands to be appraised.

SECTION 2. The lands upon which the said plat has been laid out, shall hereafter be appraised and assessed irrespective of subdivisions into blocks and plats [parts] of blocks, streets and alleyways; and the assessors of the town in which said lands is [are] located, are hereby required and authorized, on or before the first day of June next, to amend their respective assessment rolls in accordance with the provisions of this act.

When supervisors may appraise.

SECTION 3. If the assessors referred to in the last preceding section shall be absent, or for any other reason unable to comply with the provisions of this act, it shall be the duty of the town board of supervisors of the said town to appraise said lands and to make and certify said amendment to the assessment roll.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1863.

## CHAPTER 203.

[*Published April* 17, 1863.]

AN ACT to incorporate the Grand river and Mississippi railroad company.

(*See supplement to local laws.*)

## CHAPTER 204.

[*Published April* 17, 1863.]

AN ACT to authorize the expenditure of the road taxes levied on certain lands therein named, for certain purposes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Certain taxes in Greenfield to be expended on old Beloit road.

SECTION 1. That all the road taxes now assessed or collected, and not expended, or hereafter collected, on the following described parcels of land, situate in road

district No. 4, in the town of Greenfield, in the county of Milwaukee, to wit: the north-east, north-west and south-west quarters of section two, (2,) (except the six acres owned by Christian Emery, in the south-east corner of the south-west quarter of said section,) and, also, the south-east quarter of section three, (3,) shall be expended by the overseer of highways of said road district, in maintaining and keeping in repair so much of the "old Beloit" road, and so much of the roads between said sections two and three, as is within the bounds of the said quarter sections.

Certain taxes in Wauwatosa to be expended on same road.

SECTION 2. That all the road taxes now assesed or collected, and not expended, or hereafter collected, on the portion of section thirty-five lying south of the Mukwanago plankroad, in the town of Wauwatosa, in said county of Milwaukee, shall be expended by the overseer of highways of road district No. 26, in said town of Wauwatosa, in maintaining and keeping in repair so much of the "old Beloit" road as lies within the said town of Wauwatosa.

Laws declared inoperative.

SECTION 3. All acts or parts of acts inconsistent with the provisions of this act, are hereby declared inoperative and void, as to the expenditure of the road taxes assessed and collected on the several parcels of land described in sections one (1) and two (2) of this act.

Approved April 1, 1863.

## CHAPTER 205.

[*Published April* 17, 1863.]

AN ACT to facilitate and authenticate the formation of a corporation by the purchasers or future owners of the "Racine and Mississippi railroad company."

(*See supplement to local laws.*)

## CHAPTER 206.

[*Published April* 20, 1863.]

AN ACT to incorporate the Monroe and Riverside railroad company.

(*See supplement to local laws.*)

## CHAPTER 207.

[*Published April* 17, 1863.]

AN ACT to amend chapter 90 of the general laws of 1863, entitled "an act to authorize the city clerk of the city of La Crosse to cause to be published a list of all unredeemed lots and lands sold by the city treasurer of said city in the year 1860, for the taxes, interest and charges due thereon, for the year 1859."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Publication of list of unredeemed lands, sold for taxes of 1859.

SECTION 1. Section one of chapter ninety of the private and local [general] laws of 1863, is hereby amended, as follows: "That the city clerk of the city of La Crosse shall cause to be published, in a newspaper printed in said city, a list of all unredeemed lots and lands which were sold by the city treasurer of said city, in the year 1860, for the taxes, interest and charges thereon, for the year 1859, once a week for four successive weeks, at least two months before the expiration of the time limited for redeeming said lots and lands sold as aforesaid; and such publication is hereby made ample and sufficient in all respects."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1863.

## CHAPTER 208.

[*Published April* 17, 1863.]

AN ACT to amend chapter eighty-three of the general laws of 1861, entitled "an act to regulate the traffic in logs, timber and lumber on the Wisconsin, Black, Chippewa and St. Croix rivers."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of chapter eighty-three of the general laws of 1861, entitled "an act to regulate the traffic in logs, timber and lumber on the Wisconsin, Black, Chippewa and St. Croix rivers," is hereby amended, by adding thereto as follows: "Green Bay and such of its tributaries as are within the state of Wisconsin, are hereby constituted and created district number five, and shall be subject to the provisions of the act to which this act is amendatory, so far as the same are applicable; and the surveyor general of said district shall hold his office at the city of Green Bay: *provided*, that Lake Winnebago and its tributaries shall not be included in this act." District No. 5.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1863.

## CHAPTER 209.

[*Published April* 17, 1863.]

AN ACT to amend chapter 305 of the laws of (*A. D.*) 1862, approved April 5th, 1812, entitled "an act to amend an act entitled 'an act to incorporate the city of Milwaukee, and the several acts amendatory thereof,' approved February 20th, A. D. 1852."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of chapter three hundred and five of the laws of (*A D.*) 1862, approved April 5th, A. D. 1862, entitled "an act to amend an act entitled 'an act to incorporate the city of Milwaukee, and the several acts amendatory thereof,' approved February Amendments.

20th, A. D. 1852," is hereby amended, by striking out the word "street," when [where] it secondly occurs in the thirteenth line of said section one, and inserting in lieu thereof the words "and Hinman streets," and also, striking out the word "Seventh," in the fourteenth line of said section one, and inserting in lieu thereof the word "Eighth."

Repeal.

SECTION 2. Section two of the act to which this is amendatory, is hereby repealed.

SECTION 3. This act shall take effect from its passage and publication.

Approved April 1, 1863.

## CHAPTER 210.

[*Published April* 17, 1863.]

AN ACT to vacate certain portions of the village plat of Fox Lake.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Portions vacated.

SECTION 1. Be it enacted, That all that part of the south-west quarter of the south-east quarter of section twenty-six, and of the west half of the north-east quarter of section thirty-five, in township thirteen, range thirteen, that is plotted and known as "Thomas and Germain's addition to Fox Lake," in Dodge county, except lots one, two and three, block one, and lots eight, eleven, twelve, fifteen, sixteen, seventeen, eighteen and nineteen, in block two, be and the same is [are] hereby vacated.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1863.

# CHAPTER 211.

[*Published April* 17, 1863.]

AN ACT to provide for compensating parties whose property may be injured or destroyed in consequence of mobs or riots.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Whenever any buildings or other real or personal property shall be destroyed or injured, in consequence of any mob or riot, the city in which the same shall occur, or if not in a city, then the county in which such property was situated, shall be liable to an action by or in behalf of the party whose property was thus destroyed or injured, for the damages sustained by reason thereof.

City or county liable for property destroyed by mob.

SECTION 2. Such action or actions may be brought and conducted in the same manner that other actions may be prosecuted by law, and the judgment may be appealed from in the manner now provided for appeals in civil actions; and whenever any final judgment shall be recovered against any such city or county in any such action, such judgment shall be paid and collected as other judgments against such city or county.

How action may be brought.

SECTION 3. No person or corporation shall be entitled to recover in any such action, if it shall appear upon the trial thereof that such destruction or injury of property was occasioned or in any manner aided, sanctioned or permitted by the carelessness or negligence of such person or corporation; nor shall any person or corporation be entitled to recover any damages for any destruction or injury of property as aforesaid, unless such party shall have used all reasonable diligence to prevent such damage, and shall have notified the mayor of such city or the sheriff of such county, immediately after being apprised of any threat or attempt to destroy or injure his or their property by any mob or riot, of the facts brought to his knowledge; and upon the receipt of such notice, it shall be the duty of such officer to take all legal means to protect the property attacked or threatened; and any such officer or officers who shall refuse or neglect to perform such duty, shall be liable to the party aggrieved for such damages as said party may have sustained by reason

When damages not recoverable.

thereof: *provided*, said party shall elect to bring his action against such officer instead of such city or county.

Action may be maintained against persons engaged in any mob.

SECTION 4. Nothing in this act shall be construed to prevent any person or corporation whose property has been injured or destroyed by any mob or riot, from having or maintaining an action against each and every person engaged or in any manner participating in such riot or mob.

When action to be brought against city or county.

SECTION 5. No action shall be maintained against any city or county, under the provisions of this act, unless the same shall be brought within six months after the loss or injury.

Settlement by city or county with owners of property destroyed.

SECTION 6. It shall be lawful for any city, by its board of aldermen or trustees, and for any county, by its board of county supervisors, whenever such city or county shall be liable to an action under the provisions of this act, to agree, in writing, with the owner of the property destroyed or injured, upon the sum to be paid by such city or county, without action; and the sum agreed upon shall be paid as claims of a general nature against such city or county.

City or county may recover of persons engaged in any mob, value of property destroyed.

SECTION 7. Any city or county which shall pay any sum under the provisions of this act, whether paid upon judgment or settlement, may recover the full value of the property destroyed or injured, in an action against any or all of the persons in any manner engaged in such destruction or injury; and in such action the judgment recovered against or the settlement made by such city or county, may be offered and shall be received as *prima facie* evidence of the value of the property destroyed or injured.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1863.

## CHAPTER 212.

[*Published April* 17, 1863.]

AN ACT to amend chapter 112 of the general laws of 1856, being an act entitled "an act to secure the enlargement and immediate completion of the improvement of the navigation of the Fox and Wisconsin rivers, and the payment of the scrip and other evidences of indebtedness issued by the state on account of the same, and for the protection of the settlers on the even sections, etc.," approved October 3, 1856, and the act amendatory thereof, approved March 23, 1860.

(*See supplement to local laws.*)

## CHAPTER 213.

[*Published April* 18, 1863.]

AN ACT to authorize the construction of a sewer in the fourth ward of the city of Milwaukee.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The street commissioners of the fourth ward of the city of Milwaukee, in the state of Wisconsin, are hereby authorized to cause to be constructed, in said fourth ward, a sewer, from the west side of Twelfth street, at its intersection with Wells street, in said ward, through said Wells street to the Milwaukee river; and the cost and expense thereof is hereby made chargeable against the several blocks fronting upon said Wells street, between said Twelfth street and the Milwaukee river, and the several lots and parts of lots therein, except as provided in section four of this act.

Sewer from Twelfth st. to the river.

How costs chargeable.

SECTION 2. Whenever said street commissioners shall determine that said sewer shall be constructed, they shall cause plans and specifications therefor to be made by the city engineer of said city of Milwaukee, and said sewer shall be constructed in accordance therewith. Said street commissioners shall also cause an estimate to be made by said city engineer, of the whole expense of constructing said sewer, which plans, specifications and estimate shall be filed in the office of the

Plans, estimate &c.

Apportionment of expense.

city comptroller of said city. Upon the filing of said plans, specifications and estimate, said street commissioners and city engineer shall proceed to apportion the expense of constructing said sewer upon the several lots and parts of lots upon which, by this act, the expense of said sewer is made chargeable; and they shall determine the proportion of such expense which each of said lots and parts of lots ought to bear, reference being had to the amount of the benefit thereof to each of said lots and parts of lots, respectively. Such apportionment of such expense shall be in writing, shall be signed by said street commissioners and said city engineer, and shall also be filed in the office of the said city comptroller.

Advertising for proposals, award of contract, &c.

SECTION 3. Upon the filing of said plans, specifications, estimate and apportionment in the office of said city comptroller, said comptroller shall immediately advertise in the official paper or papers of said city, for sealed proposals for constructing said sewer, according to said plans and specifications, and shall specify in such notice the time and place when such proposals will be received and opened. Such advertisement shall be published for at least five days. At the time and place specified in such advertisement, said comptroller shall open all the proposals which may have been received for constructing said sewer, and the contract therefor shall thereupon be awarded by said street commissioners to the lowest responsible bidder or bidders, and the work may be let entire or in sections. Upon the awarding of the contract for said work, said street commissioners shall enter into a contract with such lowest responsible bidder or bidders, for the construction of the whole of said sewer, if the same is let entire, or for the construction of any section or sections thereof, if the same shall be let in sections; which contract or contracts shall, in form, conform as near as may be to the contracts usually made by said city for city improvements, and shall be countersigned by said city comptroller, and the same or a duplicate or duplicates thereof shall be filed in the office of said comptroller.

Work to be paid in street commissioners' certificates, &c.

SECTION 4. The work under said contract or contracts shall be done under the direction of said street commissioners and said city engineer, and in accordance with said plans and specifications, and shall be paid for in street commissioners' certificates against the lots or

parts of lots against which the said expense is made chargeable by this act. The contract for doing such work shall specify that the same shall be paid for in such street commissioners' certificates, which may be issued from time to time, as the work progresses: *provided*, that no certificate issued against any lot or part of a lot shall be for a greater sum than shall be apportioned thereon by said street commissioner and said city engineer, as hereinbefore provided; and in case the expense of constructing said sewer shall exceed the estimate therefor, as made by said city engineer, such excess shall be borne by and paid out of the fund of said fourth ward.

When certificates to issue, how to be signed, &c.

SECTION 5. When the work in the construction of said sewer or of any part or section thereof, shall be fully completed to the satisfaction and acceptance of said street commissioners, and the certificate of said city engineer, specifying the amount of work so done, shall be filed in the office of said city comptroller, said street commissioners shall issue and sign street commissioners' certificates, in the form commonly used in said city, for the work so done, against the several lots or parts of lots against which the same is chargeable, as hereinbefore provided. Such certificates shall also be countersigned by said city comptroller, and when thus issued, signed and countersigned, shall, from the date of the countersigning thereof, constitute a lien upon the lots or parcels of lots against which they may issue, for the amount specified therein, respectively. Such certificates shall also, if not paid or redeemed prior to the time of the making out the annual assessment roll of said city, be specially levied and assessed upon the property described therein, and shall be collected for the benefit of the holder thereof, in the same manner that other taxes are assessed and collected in said city. They shall be transferable by endorsement thereon of the names of the person or persons to whom they may be issued, so as to vest in any assignee, indorser or holder and owner thereof, the same rights and remedies in relation thereto and for the collection thereof, that the person or persons to whom they are issued would have. They shall draw interest at the rate of twenty-five per centum per annum, from the time that the lots described therein shall be sold by the city treasurer for the non-payment thereof, and any holder and owner thereof shall have all the

Certificates transferable.

Interest.

A lien.

benefits and privileges in reference to such certificates. that are granted and secured to the owners and holders of other street commissioner' certificates in said city, by the charter of said city, approved February 20th, A.D. 1852, and especially by an act of the legislature of the state of Wisconsin, approved March 29th, A. D. 1856. entitled "an act to make street commissioners' certificates in the city of Milwaukee a lien upon lots or lands against which they may issue," as amended by the act of said legislature, approved June 16th, A. D. 1862.

Contract may be annulled

SECTION 6. Said street commissioners shall not be authorized to contract for the construction of such sewer. or to make the expense thereof chargeable, except as herein provided. In case of the neglect or failure of any contractor, under the provisions of this act, to perform the work within the time or as provided in his contract, said street commissioners may annul his said contract, and declare the same to be forfeited and void, and may proceed to relet the work mentioned therein to the next lowest responsible bidder therefor, without any re-advertisement for proposals for doing the same. A clause reserving such right so to annul and declare forfeited such contracts, may be inserted therein, and the same shall be valid and binding upon said contractor.

SECTION 7. This act shall be published immediately. and shall take effect from its passage and publication.

Approved April 2, 1863.

## CHAPTER 214.

[*Published April* 18, 1863.]

AN ACT to amend chapter 327 of the private and local laws of 1856, entitled "an act to consolidate and amend the act to incorporate the city of Watertown, and the several acts amendatory thereof."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Vacation of plats.

SECTION 1. The common council of the city of Watertown shall have power to alter or vacate any plot or part thereof within said city, on application in writing of any owner or owners of such plot or part thereof.

SECTION 2. Before the common council shall hear any application to alter or vacate any plot or part thereof, the applicant shall cause notice thereof to be published in some newspaper printed in said city, for six successive weeks, once in each week; and in case any person be living upon any portion of said plot proposed to be altered or vacated, a copy of such notice, at least ten days before such application is made, shall be served personally on such person, or left at his or her dwelling house. Such notice shall state when such application will be made, and what portion of such plot it is proposed to have altered or vacated.

Notice of vacation—how given.

SECTION 3. The order of the common council altering or vacating any plot or part thereof, shall be recorded in the office of the register of deeds of the proper county, before the same shall take effect.

Vacating ordinance to be recorded.

SECTION 4. The title to any street or part of street that may be vacated, shall vest in the owner or owners of the lot or lots abutting thereon, to each, from the line of his lot to the center of the street.

Title to streets vacated.

SECTION 5. Upon the application of six freeholders of said city, the common council shall have power and are hereby authorized to alter or vacate such highways, streets and alleys within the corporate limits of said city, as in their opinion are of no public utility. At least ten days before such application shall be heard, a notice thereof shall be posted up in three public places in the ward where such highway, street or alley proposed to be altered or vacated is located, and a copy of such notice shall be personally served on the occupants of the land through or adjoining which such highway, street or alley runs, or a copy of such notice shall be left at the usual abode [abodes] of such occupants. Such notice shall state when such application will be made, and give a brief description of the highway, street or alley proposed to be altered or vacated.

Vacation of streets, &c.

How notice to be given.

SECTION 6. Any person deeming himself aggrieved by any order of the common council made under the provisions of this act, may, within thirty days after the making of such order, appeal therefrom, and apply to a justice of the peace of said city for the appointment of commissioners, to whom an appeal from such order of the common council may be taken.

Appeal.

SECTION 7. Every application for such appeal shall be made in writing to such justice, and shall briefly

Notice of appeal, bond, commissioners, &c.

state the grounds of the appeal; and upon the filing of such application, and a bond executed to the city, with sufficient sureties, to be approved by the justice, conditioned to pay all costs arising from such appeal, provided the order of the common council shall not be reversed, such justice shall issue a notice specifying therein a time and place for the appointment of commissioners, which notice shall be served on the mayor at least six days before such time; and at the time and place appointed, the justice shall make a list of eighteen disinterested freeholders of said city. Each party may object to six on such list, and in case either party shall be absent, the justice shall strike off the names for the absent party, and out of the number not struck off, he shall, by lot, select three for such commissioners.

Decision of commissioners, &c.

SECTION 8. The justice shall then annex to the application, a warrant, under his hand, appointing a time and place for the meeting of such commissioners, and issue the same to the persons so appointed, directing them to view and examine the premises described in the application, and the order of the common council, and to make return of their decision thereon to him, within ten days after the date of the warrant; and before proceeding to make such view and examination, they shall be duly sworn justly and impartially to discharge their duties as such commissioners.

Decision to be filed.

When city liable for expenses.

SECTION 9. The decision of such commissioners shall be reduced to writing, and signed by them, and filed with the city clerk; and if the order of the common council shall be affirmed by the commissioners, the party appealing shall pay the expenses of the proceedings had in the matter; but if such order shall be reversed, then the expense shall be a charge and be audited and collected as any other claim against said city. Each commissioner shall be entitled to one dollar a day for his services, and the justice shall be entitled to one dollar for his fees.

Fees of commissioners.

Laying out of streets, &c.

SECTION 10. The common council shall have power to lay out a highway, street or alley, by ordinance, without a jury being called, on notice given: *provided*, all the owners of the land taken for such highway, street or alley shall, by petition in writing, ask for the same and consent thereto.

Street improvements.

SECTION 11. No improvement or work shall be done or made upon any street chargeable to the adjoining

lots, unless upon application, in writing, of a majority of resident owners of such lots.

SECTION 12. Section nine of chapter one of the act entitled "an act to consolidate and amend the act to incorporate the city of Watertown, and the several acts amendatory thereof," approved March 29th, 1856, is hereby amended, by striking therefrom the word "supervisor," and inserting the words, "some elector to be selected by them." Amendment.

SECTION 13. Sections six and seven of chapter 332, and sections seven and eight of chapter 409, of the private and local laws of 1857, are hereby repealed. Repeal.

SECTION 14. This act shall take effect and be in force from and after its passage.

Approved April 2, 1863.

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## CHAPTER 215.

[*Published April* 10, 1863.]

AN ACT to authorize the governor to purchase flags.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Whenever the state flags of the regiments in the service of the United States, from this state, shall have become so far worn and damaged by service, that it is deemed necessary to replace them, and the officers commanding any of the said regiments shall inform the governor of such fact, and make requisition for new flags, the governor is hereby authorized to cause to be furnished to such regiment, new flags; the state flag to be of the design, plan and material as adopted by this legislature, by joint resolution No. 44, senate, and one of said flags shall be inscribed with the names of the battles in which such regiments shall have taken an honorable part. Old flags may be replaced by new ones. State flag.

SECTION 2. Whenever such new colors are furnished to any regiment in the service, it shall be on the express condition that the old colors so replaced are to be returned to the state, to be deposited in some safe Old flags to be returned to the state.

place to be designated by the governor, until the legislature shall provide a special place of deposit.

Appropriation.

SECTION 3. The amount necessary to defray the expenses of the purchase of the flags, as authorized by the preceeding [preceding] sections, and their transportation to the regiments for which they are designed, is hereby appropriated out of any moneys not otherwise appropriated, and shall be drawn from the treasury on the warrants of the governor attached to the accounts therefor, audited by the secretary of state.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved April 2, 1863.

## CHAPTER 216.

[*Published April* 17, 1863.]

AN ACT to facilitate the entery [entry] of judgments in certain cases.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Entry of judgment without action.

SECTION 1. In all cases of the rendition of a judgment without action, on a bond or note and warrant of attorney, in any court in this state, under the provisions of chapter one hundred and forty of the revised statutes, after a year and a day from the date of the warrant, it shall not be necessary, before the entery [entry] of any such judgment, to make any other affidavit than [that] required by section fourteen of said chapter; and the signing of the judge or court commissioner of the judgment, according to section fifteen of said chapter, shall be sufficient leave for the entery [entry] of any such judgment.

Approved April 2, 1863.

## CHAPTER 217.

[*Published April* 17, 1863.]

AN ACT authorizing the towns and villages of the county of Manitowoc to retain and dispose of license money.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. All moneys derived from licenses granted in the county of Manitowoc, under the provisions of chapter thirty-five of the revised statutes of this state, shall be paid into the treasuries of the several towns and villages of said county of Manitowoc, where such licenses are granted, and shall be appropriated and paid out as directed by the proper town board of supervisors, or village board of trustees. To be paid into town treasuries—how appropriated.

SECTION 2. Section sixteen of chapter thirty-five of the revised statutes, shall not apply to the county of Manitowoc, after this act takes effect. Not applicable.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1863.

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## CHAPTER 218.

[*Published April* 17, 1863.]

AN ACT to lay out a state road from Weelaunee, in Winnebago county, to Stevens Point, in Portage county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. R. W. Case, E. V. Graves and C. S. Murphey are hereby appointed commissioners to survey, lay out and establish a state road from a point in the town of Utica, near or at the Weelaunee postoffice, thence by the village of Omro, in Winnebago county, and Poysippi, in the county of Waushara, to Stevens Point, in the county of Portage. Commissioners.

SECTION 2. The said commissioners, or a majority of them, may meet at such place as they may designate, Their duty.

and proceed, after complying with all the requirements of law for laying out state roads, to view and lay out said road: *provided*, that no compensation shall be allowed for locating said road over any road or roads already located; *and provided, further*, that no part of the expenses of laying said road, be paid by the state.

Provisos.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 1, 1863.

## CHAPTER 219.

[*Published April* 17, 1863.]

AN ACT to change the terms of circuit court in Door county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Regular terms.

SECTION 1. The terms of the circuit court for the county of Door shall hereafter be held as follows: One term on the first Tuesday after the third Monday of February, and one term on the first Tuesday after the second Monday of July, in each year.

When juries to appear at Door co. circuit.

SECTION 2. The grand jury, as well as the petit jury, for said county of Door, shall hereafter be summoned to appear on the first day of each term of said circuit court, at the hour of eleven o'clock A. M., and the venires shall be returnable accordingly.

SECTION 3. This act shall take effect and be in force from and after its passage and publication; and all acts and parts of acts inconsistent with this act, are hereby repealed.

Approved April 1, 1863.

# CHAPTER 220.

[*Published April* 18, 1863.]

AN ACT to provide for and prescribe the compensation to be paid by the several counties to their county treasurers.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The several county treasurers of this state shall receive as compensation for their services, in lieu of all fees and emoluments now by law received by them for such services, a salary to be fixed and prescribed by the county board of supervisors of their respective counties, as hereinafter provided. Salaries to be fixed by county boards.

SECTION 2. At the annual meeting in November, 1863, the county boards of supervisors for the several counties in which county treasurers are to be elected in November, 1863, shall fix and determine the amount of the annual salary that the county treasurers of their respective counties shall receive; and thereafter the salary of each county treasurer shall be fixed by the county board of supervisors, at its annual meeting after his election and before the commencement of his term of office; and such salary shall not be increased or diminished during his said term of office. When to be fixed.

SECTION 3. The salary thus determined upon shall be paid out of the county treasury, out of any moneys not otherwise appropriated, and may be paid at the end of each and every quarter. How salaries payable.

SECTION 4. The fees now allowed by law to county treasurers shall be collected by them and paid into the treasury of the county, for the use of the county. Fees to be paid into treasuries.

SECTION 5. All acts and parts of acts conflicting with this act, are hereby repealed. Repeal.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1863.

## CHAPTER 221.

[*Published April* 17, 1863.]

AN ACT authorizing the county board of supervisors of Douglass county to levy a special tax for county road purposes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Special tax authorized.

SECTION 1. The board of county supervisors of Douglass county are hereby authorized to levy, annually, a special county road tax, to be expended in opening and repairing county roads under control of the county board.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1863.

## CHAPTER 222.

[*Published April* 18, 1863.]

AN ACT to amend section 37 of chapter 34 of the revised statutes, entitled "of the relief and support of the poor."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

County sup'ts of poor may administer oaths in certain cases.

SECTION 1. Section thirty-seven of chapter thirty-four of the revised statutes, is hereby amended, by adding at the end of said section, the following: "Every county superintendent of poor shall have power to administer an oath to any person, concerning any matter submitted to the board of which he is a member, or connected with the powers and duties of such board."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1863.

## CHAPTER 223.

[*Published April* 18, 1863.]

AN ACT to amend section four of chapter one hundred and six of the private and local [general] laws of 1862, being an act to amend an act entitled "an act to revise, consolidate and amend the act to incorporpte the city of Oshkosh, and the several acts amendatory thereof," approved March 22d, 1861.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 4 of chapter 106 of the private and local [general] laws of 1862, is hereby amended, so as to read as follows: "The electors of the third ward of the city of Oshkosh may, at the charter election of said city, to be held on the first Tuesday of April, for the year 1862, and every two years thereafter, elect a justice of the peace for said third ward, who shall hold his office for the term of two years, and until his successor may be elected and qualified; but no elector of the third ward of said city shall vote for any justice of the peace within or for said city, except within or for said third ward." Justice may be elected in 3d ward.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1863.

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## CHAPTER 224.

[*Published April* 18, 1863.]

AN ACT to vacate a part of a certain state road therein named.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. All that part of the state roads in the county of Vernon, known as the Orion and Sparta road, and the state road commencing at the mouth of the Kickapoo river, in the county of Crawford, and intersecting a state road in the county of Monroe, com- Part vacated.

mencing at an ⅛ stake eighty rods north of the section line between sections twenty and twenty-nine, town thirteen, range two west, thence running south on said quarter line one hundred and five rods, thence east fifteen degrees, south fifty-eight rods, intersecting said state roads, be and the same is hereby vacated.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1863.

## CHAPTER 225.

[*Published April* 18, 1863.]

AN ACT relating to patents.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Quit-claim deeds may be issued when patents are lost.

SECTION 1. Whenever it shall satisfactorily appear that any patent heretofore lawfully issued by any commissioners of the school and university lands of this state, has been lost or destroyed, and has not been recorded, the commissioners of the school and university lands are hereby authorized to issue to the owner or owners of the premises described in such lost or destroyed patent, a quitclaim deed, reciting therein the loss or destruction of such original patent.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1863.

## CHAPTER 226.

[*Published April* 18, 1863.]

AN ACT authorizing the subdivision of city and village lots.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Subdivision of lots owned by different persons.

SECTION 1. Whenever any lot or lots of land designated on the plat of any incorporated city or village in this state, shall be owned by different persons in

severalty, it shall be lawful for such persons to make or cause to be made a plat of such lot or lots, designating thereon, by proper subdivision lines, with their courses and distances given, the parcel or parcels of such lot or lots belonging to the several owners thereof, respectively, numbering such parcels in regular numerical succession, commencing with number one (1,) and entitling such plat as follows: Subdivision of lot (or lots) number —, in block number —, in the city (or village) of —, in the county of —, and state of Wisconsin; filling the blanks with the number of the lot or lots so subdivided, and the number of the block containing the same.

Statement to be made and acknowledged.

SECTION 2. The persons making any such plat as provided in the preceding section, shall make and annex thereto a statement to the effect that they severally own some part of such lot or lots, describing the part owned by each, and that such plat is made for the purpose of brevity and certainty of description; which plat and statement shall be acknowledged by all the persons making the same, in like manner as town plats are required to be acknowledged by the laws of the state; and when so acknowledged, the same, with a certificate of such acknowledgement [acknowledgment,] which by the officer taking the same shall be endorsed on such plat, may be recorded in the office of the register of deeds of the county in which the land therein described is situated.

How lots to be described in assessing, &c.

SECTION 3. Whenever any plat shall be made, executed and recorded pursuant to the foregoing provisions of this act, the assessor or assessors of the city or village in which the land therein described is situated, shall ever thereafter, in making out the assessment rolls required by law to be made therein, enter the parcels of land described in said plat in said assessment rolls, as follows: Lot No. ——, in subdivision of lot No.——, in block No. ——, filling the blanks with numbers corresponding with those designating the lot or lots, and the subdivisions thereof, and the block represented on said plat; and it shall be lawful to lease, convey, demise or otherwise dispose of the several parcels of land designated on such plat, by a like description to that by which they are required to be assessed, adding thereto the name of the proper city or village, county and state.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1863.

## CHAPTER 227.

[*Published April* 18, 1863.]

AN ACT to amend chapter 218 of the local [general] laws of 1861. entitled "an act to provide for laying out a state road from Manitowoc, in the county of Manitowoc, by the way of the village of Kiel, in Manitowoc county, to the village of Taycheedah, in the county of Fond du Lac."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amendment.

SECTION 1. Section one of chapter 218 of the private and local [general] laws of 1861, is hereby amended, by striking out the words, "Ad. Moeler, of the town of New Holstein, county of Calumet," and inserting in their place the words, "Ferdinand Ruenmere, of Sheboygan county."

Time to lay out extended.

SECTION 2. The time for laying out the state road provided for in said chapter 218 of the private and local [general] laws, is hereby extended for two years from the date of the approval of this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1863.

## CHAPTER 228.

[*Published April* 18, 1863.]

AN ACT vacating certain village lots in Randall's addition to the village of Eau Claire city.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows;*

Lots vacated.

SECTION 1. The following described village lots situate in Randall's addition to the village of Eau Claire

city, in the county of Eau Claire, is [are] hereby vacated, viz.: Lots one, two, three, four and five, in block forty-one; lots sixteen, seventeen, eighteen, nineteen and twenty, in block forty; lots six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen and fifteen, in block thirty-six; lots four, five, seven, eight, sixteen and seventeen, in block thirty-three; lots nine, ten, eleven, twelve, thirteen and fourteen, in block thirty-nine; lots three, five, six, seven, in block thirty-five; lots one, two, three, four, five, six, nine, ten, eleven, twelve, thirteen and fourteen, in block forty-three; lots ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen and seventeen, in block forty-eight.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1863.

## CHAPTER 229.

[*Published April* 18, 1863.]

AN ACT to vacate a portion of Virginia and Park streets, in the fifth ward of the city of Milwaukee.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. That portion of Virginia and Park streets, in the fifth ward of the city of Milwaukee, which crosses the land now owned and occupied by the Milwaukee and Chicago railroad company, as depot grounds, being a portion of blocks thirty-seven, one hundred seventeen and one hundred eighteen, is hereby vacated. Portions vacated.

SECTION 2. This act shall take effect from and after its passage.

Approved April 1, 1863.

## CHAPTER 230.

[*Published April* 18, 1863.]

AN ACT to amend chapter four of the laws of 1863, entitled "an act to change the times of holding the terms of the circuit court for Rock county," approved February 5, 1863.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Time changed

SECTION 1. Section one of chapter four of the general laws of 1863, entitled "an act to change the times of holding the terms of the circuit court for Rock county," is hereby amended, by inserting immediately after the word "February" and before the word "in," in the fourth line of said section, the words, "and September."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1863.

## CHAPTER 231.

[*Published April* 22, 1863.]

AN ACT to vacate a certain street in P. H. Smith's addition to the city of Appleton, in Outagamie county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Part of Outagamie street vacated.

SECTION 1. All that part of Outagamie street lying between lot two and lot three, in P. H. Smith's addition to the city of Appleton, in the county of Outagamie, is hereby vacated.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1863.

## CHAPTER 232.

[*Published April* 22, 1863.]

AN ACT to provide for the payment of the chaplains of the present legislature.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropreated [appropriated] out of any money in the state treasury not otherwise appropreated, [appropriated,] a sufficient sum to pay each of the clergyman [clergymen] officiating as chaplain at the present session of the ligislature, [legislature,] twenty-five dollars. Appropriations.

SECTION 2. The chief clerks of the senate and assembly shall diliver [deliver] to each of said clergymen a certificate of such service, and such certificate shall be sufficient authority for the payment of such amount by the state treasurer. Vouchers.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 1, 1863.

## CHAPTER 233.

[*Published April* 16, 1863.]

AN ACT to repeal section 27 of chapter 29, and section 36 of chapter 28 of the revised statutes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section twenty-seven of chapter twenty-nine, and section thirty-six of chapter twenty-eight of the revised statutes, are hereby repealed. Repeal of statutes limiting quantity of state lands any one may purchase.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1863.

## CHAPTER 234.

[*Published April* 13, 1863.]

AN ACT to amend section 2 of chapter 278 of general laws of of 1862, entitled "an act to provide for the relevy of taxes, the collection of which has been prevented by irregularity."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Application of statutes in cases where land ought not to be sold.

SECTION 1. Section 2 of chapter 278, general laws of 1862, is hereby amended, so as to read as follows: "The provisions of sections 3 and 4 of chapter 138 of the general laws of 1861, are hereby extended to cases in which the county treasurer shall, before the sale, ascertain that any land ought not to be sold, and shall refuse or be prevented from selling the same by reason of any informality or irregularity in the previous proceeding: *provided*, it appears that the land was justly taxable, and the tax authorized by law, and is legal in substance."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1863.

## CHAPTER 235.

[*Published April* 22, 1863.]

AN ACT to repeal chapter fifty-two of the general laws of 1859, entitled "an act relating to the Dane county court, and all acts amendatory thereto."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Repeal.

SECTION 1. Chapter fifty-two of the general laws of 1859, and all acts amendatory thereto, relating to conferring civil jurisdiction on the county court of Dane county, is [are] hereby repealed.

Prior judgments.

SECTION 2. All judgments heretofore rendered in the county court of said Dane county, may be enforced, renewed or appealed from in the same

manner and with like effect as if rendered in the circuit court of said county, and executions or other proper process may issue thereon from said circuit court. All appeals heretofore taken from judgments of justices of the peace to said county court, and undetermined therein, [and] all actions now pending, or writs, process or recognizance returnable to said county court, shall be taken to be pending in or returnable to the circuit court of said county, and said circuit court shall entertain jurisdiction thereof in the same manner as if originally brought to or pending therein. Appeals from justices' courts.

SECTION 3. Nothing herein contained shall be construed to impair or effect [affect] the lien of any judgment heretofore rendered in said county court. Judgment liens.

SECTION 4. This act shall take effect and be in force from and after the first day of January, 1866; and if the office of county judge of said county shall at any time sooner than the first day of January, 1866, become vacant, then upon the happening of such vacancy this act shall take effect and be in force. Take effect.

Approved April 1, 1868.

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## CHAPTER 236.

[*Published April* 22, 1868.]

AN ACT to amend chapter 193 of the private and local laws of 1859, entitled "an act to incorporate the village of Oconto."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three of chapter one hundred and ninety-three of the private and local laws of 1859, entitled "an act to incorporate the village of Oconto," is hereby amended, by adding to said section the following: "Said justices of the peace shall hold their office [offices] in their respective wards." Where justices to hold their offices.

SECTION 2. Section twenty-three of said chapter is hereby amended, by striking out of the seventh line of subdivision three thereof, the word "fifty," and inserting the words in lieu thereof, "thirty-five." Licenses—maximum.

Delinquent taxes—how to be collected.

SECTION 3. Section forty-eight of said chapter is hereby amended, by adding the following: "The said treasurer shall make out a delinquent list of all taxes returned by the said marshal, and file the same with the clerk of said village of Oconto; and the said clerk shall carry out in the next assessment roll, in separate column, with the state and county tax, all the delinquent taxes so returned delinquent by the marshal, adding thereto twelve per centum; and said delinquent taxes shall be collected by the treasurer and paid out according to law; and such taxes as remain unpaid on the first day of January, in each year, shall be returned to the county treasurer, and said county treasurer shall collect the same in the manner provided for collection of delinquent taxes; and the general provisions of law for the collection of delinquent taxes, is [are] hereby made applicable to the taxes returned unpaid by said village treasurer.

Repeal.

SECTION 4. Sections 49, 50, 51, 52, 53, 54, 55 of said chapter, and all acts so far as [they] conflict with the foregoing provisions, are hereby repealed: *provided*, that said sections shall be in force for the purpose of perfecting any proceedings heretofore had or commenced under the same, and perfecting and preserving all rights acquired thereby.

Proviso.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved April 1, 1863.

## CHAPTER 237.

[*Published April* 22, 1863.]

AN ACT to vacate a certain part of the Columbus and Princeton state road.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Part vacated.

SECTION 1. All that part of the Columbus and Princeton state road, described as follows, is hereby vacated, to wit: That portion which commences with the east and west center line of section number twen-

ty, in the town of Courtland, in the county of Columbia, and running thence in a north-westerly direction until it strikes the east and west center line of section number seventeen, in said town.

SECTION 2. This act shall take effect and be in full force from and after its passage.

Approved April 1, 1863.

## CHAPTER 238.

[*Published April* 22, 1863.]

AN ACT to lay out and establish a state road from Whitehall, in Trempealeau county, to Chimney Rock, in Jackson county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. A. L. Sherwood, B. F. Wing and James Phillips are hereby appointed commissioners to lay out and establish a state road from Whitehall, near the mouth of Pigeon creek, in Trempealeau county, running north-easterly up the valley of said Pigeon creek, on the most feasible route, till it intersects the old state road at Chimney Rock, in Jackson county. Commissioners.

SECTION 2. After said commissioners shall have laid out said road, they shall make out two correct maps or drafts thereof, and file one of the same with each of the clerks of the boards of supervisors of the said counties of Trempealeau and Jackson. Maps of road to be filed.

SECTION 3. The said commissioners shall receive for laying out said road, such compensation for their services, from said Trempealeau and Jackson counties, as the supervisors of said counties shall deem just and reasonable; but no money shall be paid out of the state treasury therefor. Fees of commissioners.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved April 1, 1863.

## CHAPTER 239.

[*Published April* 22, 1863.]

AN ACT to amend section three of chapter four of an act entitled "an act to consolidate and amend the act to incorporate the city of Milwaukee," approved February 20, 1852, and the several acts amendatory thereof.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Graduation of licenses.

SECTION 1. The common council of the city of Milwaukee shall have authority, by ordinance, resolution or by-laws, to classify, grade and regulate the amount to be paid for licenses for dealing in or vending spirituous, vinous or fermented liquors, in proportion to the amount dealt in or vended, and to prescribe the time for which such license shall be granted: *provided*, that the amount charged for such license shall in no case be less than ten nor more than thirty dollars per annum, nor shall any license be granted for a less term than six months.

Minimum and maximum.

Repeal.

SECTION 2. The proviso to the first subdivision of the third section of chapter four of the act of which this act is amended, [amendatory,] is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1863.

## CHAPTER 240.

[*Published April* 2, 1863.]

AN ACT to repeal chapter 143 of the general laws of 1862, and to amend section 59 of chapter 133 of the revised statutes, entitled "of costs and fees."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter 143 of the general laws of 1862, is hereby repealed.

Prices of legal advertising.

SECTION 2. Section 59 of chapter 133 of the revised statutes, is hereby amended, so as to read as follows: "For publishing any other notice, or other order, cita-

tion, summons, or any other proceeding or advertisement required by law to be published in any newspaper, not more than fifty cents per folio for the first insertion, and twenty-five cents per folio for each insertion after the first."

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1863.

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## CHAPTER 241.

[*Published April* 22, 1863.]

AN ACT to provide for the removal of the county seat of Ashland county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. At the annual election to be held in the month of November next, the qualified electors of the county of Ashland may vote upon the question of the removal of the county seat of said county, from the town of Ashland, the present county seat, to the town of La Point, in said county of Ashland. Vote on proposition.

SECTION 2. All the votes given upon the question aforesaid, shall be by ballot, upon which shall be written or printed either the words, "for the removal of the county seat," or "against the removal of the county seat." Said ballots shall be deposited in a separate box, furnished by the inspectors of elections, and in case a majority of all the votes cast on the question, shall be in favor of removal to the place above designated, then shall the town of La Point, the said place, be the county seat of said county. Form of ballots.

SECTION 3. The said votes shall be counted, canvassed, certified and returned in the same manner as is provided by law for counting, canvassing, returning and certifying the votes for county officers; and the clerk of the board of supervisors of said county shall record the result of the same in some record book provided for that purpose, in his office, and transmit, without delay, How canvassed, &c.

a certified copy of such record to the secretary of state, at Madison, who shall file and preserve the same.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1863.

## CHAPTER 242.

[*Published April* 10, 1863.]

AN ACT to provide for the enrollment of persons liable to perform military duty, and the organization of the state militia for active service.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

COMMANDER-IN-CHIEF, COMMISSIONS, OFFICERS OF GENERAL STAFF, AND STAFF OF REGIMENTS AND BATTALIONS.

Commander-in-chief—officers to whom commissions are issued, to take oath, &c.

SECTION 1. The governor, as commander-in-chief of the militia of this state, shall issue commissions to all officers appointed or elected under the provisions of this act, and each commission shall be countersigned by the secretary of state and attested by the adjutant-general: and the officer so commissioned shall take the oath of office prescribed by the constitution, before some officer authorized by law to administer oaths, a copy of which oath shall be endorsed on or attached to each commission; and the commission shall be deemed as taking effect on the day of the endorsement. In case of promotion, the commission shall take effect from its date. Commissions shall run at the pleasure of the commander-in-chief, except as is herein otherwise provided. The military staff of the commander-in-chief shall consist of one adjutant-general, one quartermaster-general, each with the rank of brigadier-general, four aids-de-camp, with the rank of lieutenant-colonel, and one surgeon-general, with the rank of colonel, and such other officers as the governor may from time to time require for active service, who shall be appointed by the governor, and shall continue in office for the same term as the governor, or at his pleasure. The adjutant-general and the quartermaster-general shall each appoint, as their [his] staff, one aid-de-camp, who must be a resident of this state, with the

General staff.

Staff of adjutant-general, quartermaster-general, regiments and battalions.

rank of captain. The staff of a colonel of a regiment and of a lieutenant-colonel, or a major commanding a battalion, as hereinafter provided, shall consist of one adjutant, one quartermaster and one surgeon, each with the rank of a first lieutenant, and one chaplain, one quartermaster-sergeant, one commissary-sergeant, one hospital steward, one chief musician and one sergeant-major, to be appointed by such commanding officer; the adjutant to be selected from the line, as in the United States army.

ADJUTANT-GENERAL AND QUARTERMASTER-GENERAL.

Adj-gen. and qr.-mas.-gen. *ex officio* ins.-gen. and com.-gen.—where to reside, &c.

SECTION 2. The adjutant-general shall be *ex officio* chief of staff and inspector-general. The quartermaster-general shall be *ex officio* commissary-general and chief of ordnance. They shall reside at the seat of government, and shall keep their respective offices open for the transaction of business every day, (Sundays excepted,) during the usual business hours, as established by the several state departments.

DUTIES OF THE ADJUTANT-GENERAL.

Adjutant-general to file returns, &c.

Annual report, &c.

SECTION 3. The adjutant-general shall keep and file in his office all returns, reports, and military correspondence made by him in accordance with the provisions of this act, or of any other law of this state. He shall, on or before the first day of October, of each year, make to the governor, to be by him laid before the legislature, a report of all the transactions of his department since his annual report, containing the number, strength and condition of the organized militia, and the strength of the enrolled militia of the state, and such matters of general interest relating to the volunteers and drafted men of this state, in the service of the United States, as his judgment may dictate. He shall also perform all other duties appertaining to his office, or which may be enjoined on him by law, and shall be the medium of military correspondence with the commander-in-chief. He shall also make and transmit to the president of the United States, an annual return of the militia of this state, pursuant to the laws of the United States, a copy of which, duly certified, he shall lay before the commander-in-chief of this state.

Annual return to president.

DUTIES OF THE QUARTERMASTER-GENERAL.

Quartermaster-general to preserve arms, &c.

SECTION 4. It shall be the duty of the quartermaster-general to take charge of and to carefully guard and preserve, and to account for all arms, accoutrements, ammunition, ordnance stores, and other military property belonging to this state, or granted to it by the congress of the United States. He shall also keep an account of all moneys received and expended by him. The manner of keeping these accounts shall be directed by the commander-in-chief, and they shall always be subject to his inspection. He shall, on or before the first day of October, in each year, make to the governor, to be by him laid before the legislature, a report of all the transactions of his department since his last annual report, containing:

Annual report—what to contain.

1st. An account of all moneys received and expended.

2d. An account of all arms, accoutrements, ammunition, ordnance stores, and military property of every description, belonging to the state, from what source received, to whom issued or how expended, and by whose order.

3d. A statement of the present condition of all such property under his charge, and he shall state in whose possession the same may be.

BONDS AND DELIVERY OF PROPERTY.

Quartermaster-general to give bond.

SECTION 5. Before entering upon the duties of his office, the quartermaster-general shall give bonds to the state of Wisconsin, with four or more good and sufficient sureties, in the sum of twenty thousand dollars, conditioned that he shall faithfully perform all duties enjoined on him by law. If at any time the governor shall deem the sureties so given to be insufficient, he shall require the quartermaster-general to give new sureties or new bonds for such an amount as he may deem sufficient, to be approved by him, and if the quartermaster-general shall refuse or neglect to do so, the governor shall remove him from office. On the expiration of his term of office, or in case of his removal therefrom, the quartermaster-general shall deliver to his successor, in good order, all arms, ordnance, ordnance stores and other property belonging to the state, and all books, papers, bonds and money in his charge and pertaining to his office.

To deliver property to his successor.

CLERKS, STATIONERY AND PAY.

SECTION 6. The governor, adjutant-general and quartermaster-general are hereby authorized to employ such clerks and assistants, and to procure such blanks, blank books and stationery, as may be necessary to carry out the provisions of this act and for the discharge of the duties of their respective offices. The pay of such clerks and assistants, and of the adjutant-general and quartermaster-general, shall be assigned by the governor in orders to be filed at the time of their appointment, with the secretary of state; the amount for each of said clerks or assistants not to exceed the sum paid to the clerks in the office of the secretary of state and state treasurer, and the pay of the adjutant-general and quartermaster-general shall not exceed the amount now paid them, respectively, and to be paid from the treasury in the same manner as the clerks in the said last named offices are paid.

**Clerks and stationery.**

**Salaries of clerks, &c.—how payable.**

ENROLLMENTS.

SECTION 7. All able-bodied white male citizens, and other persons who shall have voted at any election in any of the United States, who are between the ages of eighteen and forty-five years, residing in this state, shall be subject to military duty, and shall constitute the militia of this state, and may be called out by the governor for discipline and inspection, and into actual service to suppress insurrection or rebellion, to disperse a mob, to repel an invasion or to enforce the execution of the laws of this state or of the United States, as hereinafter provided: *provided*, that all persons exempted from the provisions of a law of the United States, entitled "an act for enrolling and calling out the national forces, and for other purposes," approved March 3d, 1863, and such persons as may be rejected as physically or mentally unfit for service, shall be exempt from military duty, and no persons but such as are herein excepted shall be exempt.

**Who subject to military duty.**

**Exemptions.**

SECTION 8. Under the direction and superintendence of the commander-in-chief, all persons liable to military duty within this state, who are not already members of the organized militia thereof, shall be enrolled by the ward, town, city or village assessor or assessors, or by some suitable person to be designated instead, by the commander-in-chief. Such enrollment

**Enrollment—how to be made.**

shall distinctly specify the names, ages, occupations and residences of the persons enrolled, and also whether such persons are married or unmarried. But the commander-in-chief is hereby authorized to make use of the rolls of any county which have been prepared by the sheriff thereof, under his direction, and to cause such persons to be disenrolled as are not subject to the provisions of this act, and such other persons to be enrolled as shall be liable to enrollment under this act: *provided, however*, that no enrolling officer shall be required to enroll any person whose mental or physical incompetency is visible or apparent to such officer.

Rolls made by sheriffs may be used.

Copies of enrollment to be filed.

SECTION 9. Two copies of the enrollment in the preceding section mentioned, alphabetically arranged and carefully corrected, shall be prepared by the officers making the same, one of which shall be filed in the office of the clerk of the circuit court of the county in which the villages, towns, wards or cities are situated, respectively, as aforesaid, and the other shall be deposited in the office of the adjutant-general at the capital.

Corrections, &c., of militia rolls.

SECTION 10. The commander-in-chief may annually, hereafter, cause to be made such corrections and additions to the militia rolls provided for in section eight of this act, in the manner specified in said section, so as to have said rolls contain a correct enrollment of all the persons then liable to perform military duty under this act; and copies of such rolls, so amended, shall be made, filed and deposited in the manner provided in section nine of this act.

ORGANIZATION OF VOLUNTEER COMPANIES.

Volunteer companies—meeting for organization, &c.

SECTION 11. Whenever a sufficient number of persons, by the provisions of this act, residents of any county of this state, subject to military duty, shall subscribe to a call for the organization of a volunteer company, the county judge of said county, upon due application of the persons who have subscribed, as above, shall appoint some suitable person, resident of the county, to open a book, in which he shall enter the names of persons so volunteering, and shall fix a time and place of meeting for the purpose of organization, by giving ten days' notice thereof by publication in some newspaper, or by posting notices in at least three public places in the county.

SECTION 12. The person so appointed shall preside at such meeting and organize the same. He shall superintend the election of the officers of said company, which election shall be by ballot. He shall make out, after said election shall have been determined, a list of the names of persons so volunteering, a certificate of each officer so elected, and transmit them to the colonel commanding the regiment, or the lieutenant-colonel or major commanding the battalion, if no regiment is organized, in which said company shall be organized, who shall, if found correct, transmit the same, with his approval, to the adjutant-general of the state, together with a copy of the proceedings of said meeting, and a copy of his appointments, and of the notice of said meeting, duly certified by him; and if it shall be found that such company has been organized, and such officers elected in conformity with the provisions of this act, such company shall be listed in the office of the adjutant-general as a company of the organized militia of this state; and the officers so elected shall be commissioned by the commander-in-chief: *provided*, that the commander-in-chief shall approve of such organization and of the officers so elected.

Election of officers—list to be sent to adjutant-general.

Listing of company, commissions to officers, &c.

SECTION 13. The volunteer companies shall be armed and equipped in the same manner as similar corps in the United States army, and shall consist of the following officers, non-commissioned officers and privates, viz.: To each company of cavalry, one captain, one first lieutenant, one second lieutenant, one first sergeant, five sergeants, eight corporals, one saddler, one wagoner, one farrier or blacksmith, and two trumpeters, and not less than sixty-two nor more than seventy-eight privates. To other companies there shall be one captain, one first lieutenant, one second lieutenant, five sergeants, eight corporals, one drummer, one fifer, one wagoner, and not less than sixty-four nor more than eighty-two privates, excepting light batteries, which shall be allowed one hundred and twenty-two active members each, and such officers as are allowed in the United States service.

Arming, &c., of volunteer companies.

Non-commissioned officers and privates required for company.

SECTION 14. Volunteer companies and battalions may adopt a constitution and form by-laws, rules and regulations, not inconsistent with the constitution of the United States or of this state, for the government of their members and for their improvement in military

By-laws of companies and battalions.

Records.

science. It shall be the duty of the acting orderly sergeant of the company and sergeant-major of the battalion, to keep a perfect and complete record of the constitution, by-laws, rules and regulations of his company or battalion, which shall be signed by the captain or commander, and countersigned by the orderly sergeant or sergeant-major; and said record shall at all times be subject to the inspection of any member of the company or battalion, and all military officers or persons interested therein; and if any member of such volunteer company or battalion shall fail to comply with the provisions of such constitution, by-laws, rules and regulations, he may be expelled from such company or battalion, and his name erased from its roll.

Penalty.

Application to commander-in-chief for arms, &c, and his order for issuing same.

SECTION 15. When any volunteer company shall be organized according to law, the commanding officer thereof may apply to the commander-in-chief, through the proper military authorities, for such arms and accoutrements or stores as may be required. If the commander-in-chief shall approve such application, or any part thereof, he shall give an order directing the issue by the quartermaster-general, who shall immediately notify the officer making such application, that the arms, accoutrements or stores mentioned in such application, or any portion thereof, are ready for issue; and thereupon it shall be the duty of each [such] officer to give such bonds and security as may be deemed requisite by the quartermaster-general to secure the state from loss by reason of the misapplication of such arms or accoutrements, or equipments, or stores, or gross negligence of such officer, or any member of his company in relation thereto; and such bonds being given to his satisfaction, and on receiving duplicate receipts from such officer, the quartermaster-general shall make the issue, and shall file one copy of such receipts in his office, and transmit the other to the secretary of state.

Bond for proper use of arms, &c.

Issue of arms by quartermaster-general, and filing of receipts for same.

Companies may furnish their own arms.

SECTION 16. The commander-in-chief may permit the members of any organized volunteer company to furnish, at their own cost, suitable rifles, accoutrements and uniforms, subject to his approval, and may designate such company as riflemen or sharpshooters, and may assign the same to a battalion or regiment; and every member thereof who shall have furnished his own rifle, equipments and uniform, shall be entitled to re-

$2 per year allowed for use of each.

ceive from the general fund of this state the sum of two dollars per annum for the use of the same, to be audited by the board of military auditors, upon the certificate of the quartermaster-general that such member has kept his said rifle, equipments and uniform in good condition, and that the same are fit for service: *provided, however*, that the provisions of this section shall not apply to more than two companies within any one congressional district of this state.

Proviso.

SECTION 17. The board of supervisors of each county in which there shall be one or more organized volunteer companies, upon application of the captain or commanding officer of the same, may, in their discretion, provide for each company in said county an armory, safe and suitable for the drill of squads in the school of the soldier, and an armorer to take charge of the same, and also, at each of its sessions, audit and allow, and cause to be paid, the necessary incidental expenses of said company previously incurred: *provided*, that the total amount for all the purposes above mentioned, shall not exceed twenty-five dollars per month for each company.

Armories for and incidental expenses of companies.

SECTION 18. The commander-in-chief shall have authority to demand and receive back from any portion of the military force of this state, any arms, equipments, military stores or other property belonging to the state, which may be in possession of any such military force; and when such arms, equipments, military stores or other property shall again come into the possession of the quartermaster-general, or other officer designated by the governor to receive them from such military forces to which they have been issued, as above provided, it shall be the duty of the quartermaster-general or officer so appointed, to receipt for the same, which receipt shall be in duplicate, one copy to be filed in the office of the quartermaster-general, and the other in the office of the secretary of state.

Demand for arms, &c., in possession of military force.

Receipts for arms returned.

SECTION 19. All arms, equipments and military stores issued as hereinbefore provided, shall at all times be subject to the examination by the inspector and ordnance officers of the state, and of any other officer designated by the commander-in-chief for that purpose; and if such officer shall find any of such public property out of repair, injured or defective, he shall immediately notify the facts, and report the same through

Arms, &c., subject to examination.

If not repaired when ordered, company may be disbanded.

the proper channels to the commander-in-chief, who, if the damage shall not be repaired and the defects or losses supplied within a reasonable time, may order the company or other organization having the same in charge, to be disbanded.

Transportation-bills for, to be audited by sec'y of state.

SECTION 20. The transportation of troops and all arms, equipments and military stores issued to troops, or received by the state under this act, shall be contracted for under the direction of the commander-in-chief, by the quartermaster-general, and the vouchers for such transportation, when audited by the secretary of state, shall be paid from the general fund on his warrant.

When arms, &c., may be issued to other than the organized militia.

SECTION 21. No public arms, equipments or military stores of any kind, shall hereafter be issued to any person not a member of the organized militia, except in time of war, insurrection or public danger so imminent that the commander-in-chief shall consider that the public safety requires him to make such issue, in which case an accurate account shall be taken of such issues, and to whom they are made.

Inventory and return of arms, &c.

SECTION 22. Within ninety days from the passage of this act, each and every officer of volunteer companies now organized, having in his possession any arms, equipments or military stores belonging to the state, shall make out a true and correct inventory thereof, and return the same to the quartermaster-general. No person shall retain at any time any arms, equipments or military stores of any kind belonging to the state, unless they have been properly issued to such person in pursuance of law, and he shall be permitted by proper authority to retain the same in the discharge of a public duty; and no person shall use any public arms, equipment or military stores belonging to the state, for his private use, under penalty, in either of the above cases, of not less than five nor over fifty dollars for each offence, to be recovered by suit in the name of the state of Wisconsin, by the district attorney of the county, before any court of competent jurisdiction; and the money so recovered shall be paid into the state treasury as a part of the general fund of the state. The quartermaster-general shall have authority to take possession of such arms and equipments so used, and he shall account for the same.

Who shall not retain state arms, &c.

Penalty.

Quartermaster-general to take possession of arms, &c.

ORGANIZATION OF BATTALIONS AND REGIMENTS.

Organization of volunteer and drafted companies into batalions and regiments—officers.

SECTION 23. The commander-in-chief may form the organized volunteer companies, and companies of enrolled militia drafted into active service, into battalions and regiments, and appoint the commanding officers of the same, on the recommendation of a majority of the commissioned officers of the companies forming such battalion or regiment. Any number of volunteer or drafted companies not less than three nor more than five, may be formed into a battalion, and two battalions of five companies shall be deemed a regiment, and the officers of such regiment shall be a colonel, who shall be the commanding officer, one lieutenant-colonel and one major. A battalion of five companies shall be officered by a lieutenant-colonel, who shall be the commanding officer, and one major; and a battalion of three or four companies shall be commanded by a major.

MUSTER ROLL AND LIST OF MILITARY PROPERTY.

Triplicate muster rolls—when to be made.

SECTION 24. It shall be the duty of each and every commanding officer of any organized company in this state, on or before the last Mondays of April and September, of each year, to muster his company, and to make out in triplicate, muster rolls, setting forth the names and number of the members of his company, the officers in the order of their rank, and the privates in alphabetical order, one of which muster rolls, duly certified, he shall transmit, through his commanding officer, to the adjutant-general of the state. He shall file one in the office of the clerk of the circuit court of his county, and he shall keep the other as a voucher for himself. If such company shall form a part of any organized battalion or regiment, the commanding officer thereof shall transmit the same, with a muster roll of the field and staff officers of his battalion or regiment, to the adjutant-general of the state. It shall also be the duty of every such commanding officer of a company, at the time of making said muster rolls, to make duplicate lists of all arms, accoutrements, ordnance and ordnance stores, and other property belonging to the state, in his possession, one of which lists, duly certified, he shall transmit through his commanding officer to the quartermaster-general, and he shall keep the other as a voucher for himself. If such company

How filed.

Triplicate lists of arms, &c.—how filed.

shall form a part of an organized battalion or regiment, the commanding officer thereof shall transmit the same, with a list of all the military property of the state in his possession, to the quartermaster-general.

Rank of officers.

SECTION 25. All commissioned officers of regiments, battalions and companies, shall take rank according to the date assigned them by their commissions, and when two of the same grade are of the same date, their rank shall be determined by length of service in the militia, and if of equal service, then by lot.

CLASSIFICATION OF THE MILITIA.

Organized militia.

SECTION 26. All commissioned officers of the staff of the commander-in-chief, the aid-de-camp [aids-de-camp] of the adjutant-general and quartermaster-general, and all commissioned officers, non-commissioned officers, musicians, artificers and privates of volunteer and drafted regiments, battalions and companies, whose names are upon the muster rolls of their respective regiments, battalions and companies, shall be denominated the organized militia of Wisconsin, and shall at all times be subject to be called into active service by the commander-in-chief; and when so called, each person shall be called and mustered according to his commission, enrollment and organization. All other militia in this state shall be denominated the enrolled militia of Wisconsin. The enrolled militia of Wisconsin shall be divided into three classes. The first class shall consist of all inhabitants of the state subject to military duty, who are unmarried and between the ages of eighteen and twenty-eight years. The second class shall consist of all inhabitants of the state, subject to military duty, who are unmarried and between the ages of twenty-eight and thirty-six years, and those who are married and between the ages of eighteen and twenty-eight years. The third class shall consist of all other inhabitants of the state subject to military duty. The second class of the enrolled militia shall not be called into active service until the first class is exhausted or insufficient in number to meet the exigency of the state. The third class of the enrolled militia shall not be called out until the first two classes are exhausted or found insufficient, as aforesaid; and the said third class shall in no case be used except within the limits of the county wherein it had been enrolled: *pro-*

May at any time be called into active service.

Enrolled militia—classification.

First class.

Second class.

Third class.

When subject to be called into service.

*vided*, that nothing contained in this section shall be so construed as to affect section [sections] forty and forty-one of this act.

HOW CALLED INTO ACTIVE SERVICE.

When militia may be called into active service.

SECTION 27. In case of war, insurrection, rebellion, riot or invasion, or of resistence to the execution of the laws of this state or of the United States, or upon the call of any provost marshall [marshal] or other marshall [marshal] of the United States, in Wisconsin, or of any mayor of a city, or of any sheriff, the commander-in-chief is authorized to call into active service any portion of the organized or enrolled militia of this state.

How called, in absence of commander-in-chief.

In case of the absence of the commander-in-chief from the capitol, or if it be impossible to immediately communicate with him, the civil or military officer making the requisition for troops may, if he deem the danger imminent and not admitting of delay, serve a copy of such requisition, together with a statement of the governor's abscence [absence] or the impossibility of immediately communicating with him, upon the officer commanding the regiment, or in case no regiment is organized, upon the officer commanding a battalion, who is hereby authorized to exercise, with respect to calling out the troops of his regiment or battalion, the powers conferred in this section upon the governor; but if the call shall be disapproved by the governor, the troops so called into service shall be immediately recalled and discharged from such active service.

Order for call, &c.

Such call for any portion of the organized militia, shall be made by an order issued and directed to the company, battalion or regiment which is so called into service, designating, in such order, the particular troops called, the time and place of rendevous [rendezvous,] and the officer to whom they shall report. If such order be directed to the officer commanding a regiment or battalion, it shall be immediately communicated to all the officers of such regiment or battalion; and any officer receiving such order shall rendezvous and report for duty as therein directed; and any officer commanding a company or battalion, on receiving such order, shall immediately proceed to notify the same to each individval of his command, by personal notice, and such officer shall attend in person, or by deputing an officer of the organized militia in his place, at the

Officer to notify his command, and superintend election of officers.

place of rendezvous, and take the name [names] of all volunteers for service under such call; and if the number of such volunteers shall be sufficient to form one or more companies or battalions, according to the provisions of this act, he shall immediately call and superintend the election of officers of volunteer companies and battalions, which elections shall be conducted in the manner prescribed by this act for the election of volunteer companies and battalions, except as to publication of notice of such election, a proclamation of the call of such election, made by the officer calling it at the place of rendezvous, being deemed a sufficient notice: but the governor shall have authority, if he shall deem it expedient, to direct that a portion of the volunteers so presenting themselves shall be assigned to organized volunteer companies or battalions already in active service, whose numbers are less than the full compliment [complement] as prescribed in this act; after which those volunteering shall organize and elect as herein described.

**Draft may be ordered—apportionment to towns and wards.**

SECTION 28. If the number of volunteers so presenting themselves at the place of rendezvous, shall not be sufficient to satisfy the call of the commander-in-chief, he may order a draft from the persons liable to military duty as aforesaid, and the number of men required, and thirty per cent. in addition, shall be apportioned to each town and ward, according to the number of persons liable to military duty therein; and the commander-in-chief shall issue to the sheriff of each county an order stating the time at which such draft shall be made, the ages of men to be drafted, the aggregate number required from his said county, and the number required from each town and ward therein, as its just proportion of said aggregate number, including, as far as can be ascertained, the whole number of persons heretofore furnished from such town or ward; and the said sheriffs shall file the said orders in the offices of the clerks of the circuit courts in their respective counties.

**Order to sheriff.**

**Under whose superintendence and how draft to be made.**

SECTION 29. Such draft shall be made under the superintendence of the county judge and clerk of the circuit court for their respective counties, and shall be made by towns and wards, separately. The said clerk shall publicly place in a box to be provided for that purpose, separate folded ballots containing the names of all persons on said rolls of the prescribed ages, re-

siding in the town or ward to be drawn from, and the number of ballots corresponding to the number of men to be furnished by such town or ward, shall be drawn by a suitable person to be designated by said judge, from said box. Said person shall be previously blindfolded. And when a draft of all said towns and wards shall have been made, two lists of the persons so drafted shall be made out by said clerk in the order of such draft, and designating the town or ward in which such drafted men reside, duly certified, one of which lists shall be filed in the office of said clerk, and the other shall be deposited in the office of the adjutant-general.

Lists of persons drafted.

SECTION 30. The sheriff of the county shall, within five days after any draft shall be made in his county, serve a written or printed notice of the draft and place of rendezvous of the drafted military force, upon each person drafted, by delivering such notice to him personally, or by leaving it at his last and known place of residence. Such notices shall be furnished to the sheriff by the clerk of the court, who shall be supplied with suitable blanks for that purpose by the adjutant-general.

Notice to persons drafted.

SECTION 31. The governor shall appoint for each county, an examining surgeon of known experience, skill and integrity, whose duty it shall be, upon the application of any person who shall have been drafted, to make examination and determine if such person be exempt from military duty, by reason of physical disability rendering him unfit for military service. Such examination shall be thorough; and if the surgeon has reason to believe the applicant is practicing any deception, or if there is any doubt in his mind as to the actual inability of the applicant to perform military duty, he shall refuse to give such applicant a certificate. Whenever the surgeon shall determine that any person so applying shall be exempt as aforesaid, he shall deliver to him a certificate, certifying to and particularly describing such disability. Such surgeon shall keep a registry of the names of persons claiming exemption as aforesaid, in a book to be provided for that purpose; and he shall enter therein the grounds upon which each exemption is sought, the fact whether a certificate of disability be or be not granted, and, if granted, a description of such disability. If any examining surgeon shall be guilty of any fraud in relation to any duty im-

Examining surgeon to be appointed for each county—his duties.

Certificates of exemption.

Surgeon to keep registry.

Penalty.

posed upon or required of him as such surgeon, or if he shall be guilty of taking or receiving any bribe to grant or refuse any certificate of disability, he shall, on conviction, be punished by imprisonment in the state prison not less than one year nor more than three years. Such surgeon shall receive for his services such compensation as the governor shall prescribe. The governor may remove any examining surgeon whenever in his opinion justice requires it.

Compensation of surgeon, &c.

Proofs by drafted persons of non-liability to military duty.

SECTION 32. Any person drafted as aforesaid may, within five days after receiving notice thereof, as aforesaid, present to said judge and clerk his certificate of exemption, or other proof of non-liability to military duty. Where the applicant claims exemption upon any ground other than official position or physical disability, such claim, to be available, shall be established on oath to the satisfaction of both the county judge and clerk of the court. The examining surgeon's certificate of disability shall be sufficient proof in such cases. Personal knowledge or competent record proof shall be sufficient in cases of exemption claimed upon the ground of official position. When said judge and clerk are satisfied that any applicant is exempt, they shall strike his name from the roll of drafted persons, by drawing a red line through the same, and they shall enter in the margin the ground of exemption. If any county judge or clerk of the court shall fail or refuse to perform the duties required of him by this act, or by any order of the governor made under the authority conferred by law, the governor is hereby authorized to appoint some other competent person or persons to perform such duties. If any such judge, clerk or other person shall be guilty of any fraud in relation to any duty imposed upon or required of him as aforesaid, he shall, on conviction, be punished by imprisonment in the stato prison not less than one year nor more than two years. Such judge and clerk (or other persons performing their duties) shall each receive three dollars for each day's services in the discharge of the duties hereinbefore mentioned.

Striking names from rolls.

Penalty.

Compensation of judge and clerk.

Substitutes.

SECTION 33. Any person so drafted may offer a substitute, who shall be an able-bodied man, between the ages of eighteen and forty-five years, and shall consent in writing, (with the consent of his father or guardian, if he be a minor,) to subject himself to all the duties and obligations to which his principal would have been sub-

ject, had he personally served; and thereupon such substitute shall be accepted in lieu of such principal.

Mustering into service of draftmen.

SECTION 34. The persons thus drafted shall assemble at the court house, if there be one, if not, at the phace [place] where the circuit court hold their terms, of their respective counties, within six days after receiving notice of being drafted, as aforesaid, for the purpose of being mustered into the service of the state, and being transported to camps of duty. As soon as a sufficient number of such drafted men shall have appeared at the rendezvous to form a company or companies, they shall proceed to the election of their company officers, in the manner prescribed in section twenty-seven of this act.

Election of company officers.

Mustering of companies into battalions.

SECTION 35. Any company or companies of the enrolled militia, so drafted and organized, may, by direction of the commander-in-chief, be enrolled and mustered into any battalion of the organized militia having less than five companies; and any drafted men of the enrolled militia, not organized into companies, may, at the discretion of the commander-in-chief, be enrolled and mustered into any existing company of organized or enrolled militia not having the full number authorized by law, and which has already been called into active service. If the enrolled militia, when drafted into service, shall fail to elect to any office designated in such call for an election, such vacancy or vacancies shall be filled by appointments made by the commander-in-chief; and any company or companies of drafted militia not assigned to and mustered in any incomplete battalion of the organized volunteer militia, shall be organized into battalions or regiments, the field officers of which shall be appointed by the commander-in-chief, such appointments being made in cases where, in the opinion of the commander-in-chief, suitable persons can be obtained from the officers of the organized volunteer militia of this state.

Officers—vacancies.

Discharge of drafted men.

SECTION 36. As soon as the required number of able-bodied men liable to do military duty, shall be obtained from the list of those drafted, the remainder shall be discharged.

OF OFFICERS IN ACTIVE SERVICE.

How long commissions to continue.

SECTION 37. The commission of any officer called into active service, shall continue until the military body in which he serves shall be disbanded by the comman-

der-in-chief, or such military body shall be relieved from active service, or unless such officer shall be dismissed or discharged from the service by the proper authority; and no commissioned officer shall be allowed to resign when in active service. All vacancies of officers and non-commissioned officers shall be filled by appointment or promotion, the first by the commander-in-chief, and the second by the commanding officer of the troops in such service.

Vacancies.

NEGLECT OR REFUSAL TO RENDEZVOUS.

Persons who refuse to rendezvous deemed deserters, and subject to fine and imprisonment.

SECTION 38. Any officer, non-commissioned officer, musician, artificer or private of the organized militia of this state, and any person of the enrolled militia thereof, who shall refuse or neglect to rendezvous and organize when ordered out or drafted, as provided in this act, shall be deemed a deserter, and shall be subject to a fine of not less than fifty nor more than five hundred dollars, to be recovered by an action to be brought by the district attorney, in the name of the state, upon the certificate of the officer or officers appointed to make the draft, or of the officer ordering out such member of the organized militia, before any court of competent jurisdiction in the county from which such person was drafted or member enrolled, and the fine so recovered shall be paid into the state treasury, as belonging to the school fund of the state; and in all cases where judgment for fines and costs of prosecution is rendered under this act, the defendant shall be committed to the county jail until the judgment is satisfied: *provided, however*, that if, upon application to the county judge, it shall appear to the satisfaction of said judge that said defendant has been imprisoned in the county jail for the period of six months, and that he is unable to pay such judgment, the county judge may order the discharge of such defendant from the county jail; *and provided, further*, that nothing in this section shall be held or construed so as to exempt or discharge such officer or person from any liability to perform military service for the term for which he was drafted, nor from arrest and trial by the proper military authorities for desertion.

Fine to belong to school fund.

May be discharged after six months' imprisonment.

Proviso.

PARADE OF BATTALIONS AND REGIMENTS.

Public parade at least two days each year.

SECTION 39. The commander-in-chief shall order a public parade of all the organized militia of the state,

on at least two days of each year, such parade to be held within the limits of the regiment or battalion to which such troops, respectively, belong; and such public parades shall be reviewed by the commander-in-chief, or by the officer of the regiment or battalion of the highest rank present. Immediately after such troops have been reviewed, they shall be inspected by the inspector-general, or in his absence by the officer designated by the commander-in-chief for that purpose; and such inspecting officer, after a minute inspection of dress and military bearing of the field officers and commissioned staff, and the officers of companies, and arms, accoutrements and dress of each soldier, will report the result of such inspection, and file the same in the office of the quartermaster-general.

Review and report thereof.

INSTRUCTION IN MILITARY DUTIES.

SECTION 40. All companies of the organized militia of this state, shall assemble at least once in two months for instruction, and all members who absent themselves from such meetings for instruction, during three consecutive meetings, unless properly excused by the commanding officer of such company, or through absence from the county or bodily disability, shall be debarred from the exemption of jury duty and poll tax, and subject to expulsion from their company. But it shall be lawful for the governor, whenever in his judgment the public interests require it, to order any company, regiment or other organized portion of the militia of this state, or any number or fractional part of the militia, or of the militia within certain prescribed ages, either of the whole state or any portion thereof, to assemble for instruction in military duties, at such times and places as he shall think necessary and proper. Such instruction shall be conducted under such regulations and in such manner, for such length of time, and by such officers, as the governor shall order.

Companies to assemble at least once in two months for instruction—penalty for absence.

May be assembled at any time.

EXEMPTIONS.

SECTION 41. All members of the organized volunteer companies of this state, shall be exempt from jury duty and from the payment of poll-tax of every description. Horses, arms, equipments and uniforms of all officers, non-commissioned officers and privates, used for military purposes in the organized or enrolled militia of the state, shall be exempt from execution.

Exemption from jury duty, poll-tax and execution.

RULES OF DISCIPLINE, AND SYSTEM OF INSTRUCTION.

Discipline, government and instruction.

SECTION 42. The rules of discipline and regulations of the army of the United States, shall, so far as the same may be applicable, constitute the rules of discipline and regulations of the organized militia of this state; and the rules and articles of war, established by congress and the war department for the army of the United States, shall be adopted, so far as they may be applicable, for the government of the militia of this state; and the systems of instruction in tactics, prescribed for the different arms and corps in the United States army, shall be followed in the military instruction and practice of the militia of this state, and the use of any other system is forbidden.

PAY AND ALLOWANCES OF MILITIA IN ACTIVE SERVICE.

Pay and subsistence.

SECTION 43. Whenever any militia of this state shall be called into active service, and if engaged for ten days or less, the privates shall receive one dollar per day each, and be subsisted at the expense of the state. The officers shall receive the pay of their rank in the United States service. If engaged longer than ten days, they shall receive the same pay and rations as are or may hereafter be established by law for the army of the United States.

RETURN OF ARMS, &C.

Return of arms, &c.

SECTION 44. When the commander-in-chief shall order the return to the state of any arms, equipments, military stores or other military property belonging to the state, such arms and military property shall be immediately delivered to the officers authorized in such order to receive the same, he receipting for the same and describing their condition in such receipts; and if the property mentioned in such order shall not be promptly delivered as directed, the officer named in such order is hereby authorized to take immediate possession of the same, in the name of the state; and any person resisting such officer in the performance of his duty, shall be deemed guilty of a misdemeanor, punishable by imprisonment for not less than two nor more than six months, in the county jail.

Penalty.

Auditing and payment of expenses.

SECTION 45. It shall be the duty of the secretary of state to audit all reasonable expenses incurred by

the militia in the active service of the state, and all other claims required under the provisions of this act, and to draw his warrants for the amounts thus audited; and the state treasurer is hereby required to pay the same out of any money in the general fund, not otherwise appropriated.

OFFICERS AND TROOPS ALREADY COMMISSIONED AND ORGANIZED.

SECTION 46. All volunteer companies organized prior to the passage of this act, shall be deemed to have organized in compliance with its provisions, and to be entitled to its benefits; but such companies shall be required to comply with all the remaining provisions of this act. **Companies already organized.**

SECTION 47. Whenever any portion of the militia shall have been called into active service to suppress an insurrection or rebellion, or disperse a mob, or to enforce the laws of the state or of the United States, it shall be competent for the commander-in-chief to place such troops under the temporary direction of the mayor of any city, of the sheriff of any county, or of any provost or other marshal of the United States, in Wisconsin. **Under whose temporary direction troops may be placed to enforce laws of state, &c.**

SECTION 48. The commander-in-chief may, from time to time, make and publish rules, regulations and orders for the government of the militia of this state, in accordance with the provisions and spirit of this act, or in accordance with the rules, regulations and orders of the war department of the United States, not inconsistent with this act. **Rules, regulations, &c.**

SECTION 49. No person shall be a member of two companies at the same time, and any member of a company who removes beyond the limits of the county, shall be considered as having been discharged from such company. **No person to be member of two companies.**

SECTION 50. In the absence of any appropriate commander, the next in rank in the command of troops, where not otherwise provided in this act, shall succeed to his authority; and every senior in his appropriate command shall have authority to control the actions of his junior, in accordance with the principles of military subordination, under the laws and usages that govern the United States army. **Succession to authority.**

Discharges.

SECTION 51. No officers inferior ingrade to a regimental or battalion commander, shall have power to grant discharges to non-commissioned officers, artificers, musicians or privates in active service, but the commander of companies of the organized militia, when not in active service, may issue certificates of service and discharge. All certificates of discharge shall be in writing, and shall set forth fully the cause of discharge, and shall be signed by the officer granting the same. Any officer resigning his commission, shall do so in writing, and transmit the same through his immediate commanding officer, who shall make his endorsement thereon, and the resignation shall go into effect when accepted by the commander-in-chief, and not before.

Resignations.

Disbanding of organized militia.

SECTION 52. The commander-in-chief is hereby authorized, at any time, by issuing his order to that effect, to disband any portion of the organized volunteer forces, or of the enrolled militia mustered into service, which may evince a mutinous, disorderly or disobedient spirit; and he may also, in like manner, disband any portion of the organized militia at any time when, in his judgment, it may be proper to reduce the military forces of the state, but he shall not have power to reduce the organized military forces of the state below a force equivalent to three full regiments, and he may deprive them of arms; a copy of which order shall be transmitted to the clerk of the circuit court or courts of the county or counties in which such force was raised; after which it shall be a misdemeanor in any person so disbanded to appear with state arms in his possession, or as any portion of the organized, volunteer or drafted militia, until again drafted or mustered into service, under the penalty of not less than ten nor more than one hundred dollars for each offense; and such peason shall be proceeded against by the district attorney, in the name of the state, before any competent court of the county where such person may happen to be; and all fines so recovered and collected shall be paid into the treasury, as a part of the school fund.

Penalty.

Fines to belong to school fund.

Companies, &c., may uniform themselves.

SECTION 53. Every company, battalion or regiment of organized militia of this state, may adopt a uniform for itself, which shall be subject, however, to the approval of the commander-in-chief, on report of the inspection officers, and no uniform which is not thus approved

shall be worn when on duty. The uniform of all general officers and members of their staff, and all other officers not required to wear the distinctive uniform of their regiment or corps, shall be similar to that of corresponding grades and corps in the United States army, with such modifications as may be directed by the commander-in-chief for adapting it to state troops. Style of uniform.

SECTION 54. For all services under this act, sheriffs, constables and jailors shall receive like fees as for similar services in other cases, and shall be subject to the same penalties for any neglect of duty. Fees of sheriffs, &c.

SECTION 55. On the days of military parade, appointed by the commander-in-chief, the militia so called out and doing military duty shall be considered to be under military discipline from the rising to the setting of the sun; and no officer, non-commissioned officer, musician, artificer or private belonging to the same, during the time aforesaid, shall be subject to be arrested on any civil process. Exemption from arrest, &c.

SECTION 56. The commanding officer of any parade, review or drill, and the officer in charge of any rendevous, [rendezvous,] may cause the ground selected for that purpose to be marked or designated in such a manner as not to obstruct the passage of travelers on any public highways; and if any person during the occupation of such ground for such military purpose, shall encroach upon such bounds, or enter upon such ground without the permission of such officer commanding or in charge, he may be put and kept under guard, by the order of such commander, until the setting of the sun of the same day, and shall be subject to arrest and punishment by any court of competent jurisdiction, for a breach of the peace. Rendezvous grounds not to be obstructed. Penalty.

SECTION 57. If any person shall intercept, molest or insult by abusive words or behavior, any officer, non-commissioned officer or soldier, while in the performance of his military duty, he shall be immediately put under guard and kept at the discretion of the commanding officer of the forces engaged in the performance of such military duty, until the setting of the sun of the same day on which the offences shall have been committed, and shall be subject to arrest and punishment by any court of competent jurisdiction, for a breach of the peace. Penalty for insulting officers or soldiers, &c.

Penalty for disobeying order of superior officer, &c.

SECTION 58. Any officer, non-commissioned officer or soldier, on military duty, who shall disobey the lawful and proper orders of his superior, use any reproachful or abusive language to his superior, or misbehave or demean himself in an unofficer or unsoldier-like manner, shall be immediately arrested, if an officer and if a non-commissioned officer or soldier, shall be disarmed and put under guard, and shall be tried and punished according to law and military usage.

When draft may be made, and manner of making it.

SECTION 59. If the number of volunteer companies of the militia of this state shall not, within three months from the passage of this act, amount to a force equivalent to three full regiments of organized militia, the commander-in-chief may proceed to draft and organize from the enrolled militia of the state a force equal to such number of regiments, in the same manner and with like effect as provided in this act for drafting enrolled militia for active service; and all the provisions of this act are hereby made applicable to the enrolled militia so drafted and organized, to the end that there shall always be a force of organized militia of the state equal to three regiments.

Fees of assessors, &c.

SECTION 60. The several assessors or other persons performing the duties of enrolling officers, as provided by section two of this act, shall each receive for such services the sum of two dollars for each day necessarily spent in the discharge of such duties. If any such assessor or enrolling officer shall be guilty of any fraud, deceit or wilful [willful] neglect of duty, he shall, on conviction, be fined in a sum not less than fifty dollars nor more than one hundred dollars, or shall be imprisoned in the county jail, not less than twenty days nor more than three months; and any justice of the peace of the county in which such offense shall be committed, shall have jurisdiction thereof, to try and determine the same and pronounce sentence thereon.

Penalty.

Governor to procure arms, &c.

SECTION 61. It shall be the duty of the governor to procure such arms, ammunition, supplies and equipments as he may deem expedient for the use of the militia of the state, in such quantities as shall be needed for those portions ordered to assemble for instruction or service, the custody of which arms, ammunition, supplies and equipments shall be assigned to the quartermaster-general.

Appropriation.

SECTION 62. There is hereby appropriated from the

general fund, and placed at the disposal of the governor, the sum of ten thousand dollars, to carry out the provisions of this act.

SECTION 63. All acts and parts of acts inconsistent with and contravening the provisions of this act, are hereby repealed. Repeal.

SECTION 64. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1863.

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## CHAPTER 243.

[*Published April* 21, 1863.]

AN ACT to incorporate the Tomah and Lake St. Croix railroad company, and to repeal and annul a portion of a grant of land heretofore made to the La Crosse and Milwaukee railroad company.

(*See supplement to local laws.*)

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## CHAPTER 244.

[*Published April* 22, 1863.]

AN ACT to amend an act entitled "an act to consolidate and amend the act to incorporate the city of Milwaukee," and the several acts amendatory thereof.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The common council of the city of Milwaukee may, in consideration of the extraordinary expenditures in paying for and equipping steam fire-engines, levy for the year 1863, a tax not exceeding the sum of seventy thousand dollars for general city purposes, instead of the sixty thousand dollars, as now authorized by law to be levied; but this section shall not be construed to authorize the levy of any greater tax for any year subsequent to (*A. D.*) 1863, than is now or may be hereafter allowed by law. Tax of $70,000 authorized for general city purposes.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1863.

## CHAPTER 245.

[*Published April* 22, 1863.]

AN ACT to authorize the city of Racine to purchase lands for cemetery purposes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Authority to purchase lands adjoining Mound cemetery.

SECTION 1. The city council of the city of Racine are hereby authorized and empowered to purchase for cemetery and burial purposes, on such terms and conditions as may be deemed necessary for the purpose, any portion of the land situate outside of the corporate limits of said city, adjoining the cemetery grounds now owned and occupied by said city, known and designated as "Mound cemetery," and said land, when so purchased, shall be subject to the control, rules and regulations of the city council, and the same power, authority and jurisdiction may be exercised over said land by said city council as if the same were situate within the corporate limits of said city.

May issue bonds in payment.

SECTION 2. The said city council are hereby further authorized to pay for said land in the bonds of said city, bearing such rate of interest, not to exceed seven per cent., and at such time or times as may be agreed upon by and between the said city council and the owner or owners of said land; and said city council shall annually thereafter levy a tax upon the taxable property of said city, sufficient to pay the interest of such bonds, and as such bonds become due, shall levy a tax sufficient to pay the principal thereof.

Tax for interest and principal.

SECTION 3. This act is hereby declared to be a public act, and shall take effect from and after its passage and publication.

Approved April 2, 1863.

## CHAPTER 246.

[*Published April* 22, 1863.]

AN ACT to appropriate the sum of six thousand dollars for the purchase of stationary [stationery] for the use of the state officers and the next legislature.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of six thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purchase of stationary [stationery] for the use of the state officers and the legislature, for the ensuing year. The said sum of six thousand dollars may be drawn from the treasury by the superintendent of public property, after he shall have given bonds, as required by chapter twenty-seven, section seven, of the revised statutes. Appropriation for stationery.

Approved April 2, 1863.

## CHAPTER 247.

[*Published April* 22, 1863.]

AN ACT to repeal sections sixteen and seventeen of chapter nine of the revised statutes, and chapter thirty-six of the general laws of 1858, entitled "of the legislature."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Sections sixteen and seventeen of chapter nine of the revised statutes, and chapter thirty-six of the general laws of 1858, are hereby repealed. Repeal of statutes requiring app't of investigating committees.

Approved April 2, 1863.

# CHAPTER 248.

[*Published April* 22, 1863.]

AN ACT to require the superintendent of public property and the trustees or superintendent of the hospital for the insane, to purchase certain articles of cabinet furnature [furniture] and upholstery of the state prison commissioner.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Furniture for capitol and insane asylum to be purchased of state prison commissioner.

SECTION 1. It is hereby made the duty of the superintendent of public property, from time to time, as articles of cabinet furnature [furniture] and upholstery may be required to furnish the various halls and rooms of the capital, [capitol,] and of the trustees or superintendent of the state hospital for the insane, when similar articles are required for the furnishing of the said hospital, respectvely [respectively] and severally, to make out lists of such articles and transmit the same with all convenent [convenient] dispatch to the state prison commissioners [commissioner] at Waupun; and upon the receipt of such list, it is hereby made the duty of such commissioners [commissioner] without unnecessary delay, to cause to be manufactured, of good materials and in a good workmanlike manner, all such articles of cabinet furniture and upholstery as may be designated in such lists, and to deliver the same to the said superintendent of public property and the said trustees or superintendent of the said hospital, at a price not to exceed that at which similar articles can or may be purchased at other markets, or of other manufacturers or dealers.

Repeal.

SECTION 2. An act entitled "an act to require the trustees [superintendent] of the state hospital for the insane to purchase such articles of furniture as are necessary for the west wing of that institution, of the state prison commissioner at Waupun," approved April 5th, 1862, is hereby repealed.

Approved April 2, 1863.

# CHAPTER 249.

[*Published April* 22, 1863.]

AN ACT to authorize the president and trustees of the village of Menasha to provide for the payment of the principal and interest of the bonds of the said village, heretofore issued, and to levy a tax and to issue new bonds for that purpose.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The president and trustees of the village of Menasha shall, at the time the trustees are required by section thirty-one of the act entitled "an act to incorporate the village of Menasha," approved July 5th, 1853, to determine the amount of general tax necessary to be assessed and collected in said village, for the year one thousand eight hundred and sixty-three, (1863,) ascertain and determine the amount of interest which shall remain due and unpaid, and which shall become due and payable during said year, upon the five thousand dollars in amount of bonds of said village of Menasha, which were heretofore issued by the president and trustees thereof, by virtue of authority in them vested by section twenty-four (24) of the act aforesaid, to George Reed, or his assigns, and which bonds are now outstanding and unpaid, which amount, when so ascertained by the said president and trustees, shall be carried into the assessment roll of the said village for the year 1863, and shall levy, apportion, assess and collect the same, in the same manner and at the same time that the general tax for said village shall be levied, apportioned, assessed and collected for the same year; and all the laws in relation to the assessment and collection of the general taxes of the said village of Menasha, shall, as far as applicable, relate and apply to and regulate all the proceedings in levying, assessing and collecting the special tax hereby authorized. And it is hereby made the duty of the president and trustees, and other officers of the said village of Menasha, to do and perform all things necessary and required by the said act of incorporation of said village, and by this act, for the levying and collection of the said tax hereby authorized; and the said president and trustees shall give the necessary

**Interest for 1863 on bonds issued to Geo. Reed, to be ascertained, assessed and levied.**

**Duty of president and trustees.**

directions and instructions from time to time, and at the times required by law, to the proper officers of the said village, to enable them to collect the said tax.

Tax to be collected in cash, and paid to holders of bonds.

SECTION 2. The said special tax authorized and required by the first section of this act, shall be collected in cash, and when collected shall be paid over to the treasurer of the said village, and shall be kept and held by him as a separate fund, distinct and apart from all other funds of the said village, and shall be paid out only to the owners and holders of the said bonds in the first section of this act described, in payment of the said interest thereon; and the said tax shall not, nor shall any part thereof, be paid out by the said treasurer on any other account or for any other purpose whatsoever.

7 per cent. bonds to amount of $5,000 may be issued.

SECTION 3. The president and trustees of the said village of Menasha are hereby authorized and empowered to issue for and in the name of the corporation of the said village, the bonds of the said village to the amount of five thousand dollars, bearing interest at the rate of seven per cent. per annum, and made payable at such time, not less than five years nor more than ten years from the date thereof, as shall be agreed upon by and between the president and trustees of the said village and the owners and holders of the bonds of the said village heretofore issued pursuant to section twenty-four (24) of the said "act to incorporate the village of Menasha," approved July 5th, 1853. The principal and interest of the said bonds shall be payable in the city of New York, and the interest thereon shall be made payable semi-annually. The said bonds shall be signed by the president and clerk of the said village of Menasha, and shall be sealed with the corporate seal thereof, and shall have interest warrants or coupons attached thereto for the payment of the semi-annual interest accruing thereon, at the times and places when such interest shall be made payable, which shall also be signed by the president and clerk of said village. Such bonds may be issued for such sums, each not less than one hundred dollars nor exceeding one thousand dollars, as may be agreed upon by the president and trustees of the said village of Menasha and the owners and holders of the said bonds of the said village of Menasha, heretofore issued and now outstanding and unpaid.

How signed, when and where interest payable, denomination, &c.

To be exchanged for bridge bonds.

SECTION 4. The said bonds authorized by the third section of this act, when issued, shall be delivered to the

owners and holders of the bonds of the said village heretofore issued pursuant to section twenty-four (24) of the act incorporating the said village, and now outstanding, in exchange for and in payment of an equal amount of said last mentioned outstanding bonds of the said village of Menasha, at the par value of the said bonds, respectively.

Coupons receivable for taxes.

SECTION 5. The coupons or interest warrants annexed, (and) for the interest upon the bonds which may be issued pursuant to the provisions of this act, shall be receivable in payment for any taxes levied and assessed and collectable in said village of Menasha, and shall be receivable in payment of any tax which may be levied in said village for the interest (*for the interest*) to accrue on the said bonds hereby authorized to be issued pursuant to the provisions of this act.

Tax for annual interest, and sinking fund for payment of principal.

SECTION 6. It shall be the duty of the board of trustees of said village to levy an annual tax upon all the taxable property within the corporate limits of the said village, sufficient to pay the annual interest upon the bonds which shall be issued pursuant to this act, and a sum in addition thereto for a sinking fund, for the payment of the principal sum of such bonds, which shall bear the same proportion to the whole principal sum secured by the bonds so to be issued, as one year shall bear to the whole number of years the said bonds shall have to run from the date thereof, so that the amount raised by the tax, annually, shall, in the aggregate for the number of years the said bonds shall run, be equal to the whole principal sum of such bonds; which tax, by this section authorized and required to be levied and collected, shall be assessed, levied and collected in all respects as other general village taxes are levied, assessed and collected, and when collected, it shall be the duty of the treasurer of said village to pay the interest and principal which shall become due upon said bonds as aforesaid out of the moneys coming into his hands for such purpoee, at such time and place as shall be specified in said bonds, or as the said president and trustees of said village shall determine, as herein provided.

How tax to be levied and collected.

Payment of bonds to be annually determined by lot.

SECTION 7. Whenever and as often as the amount which shall annually be levied and collected pursuant to the provisions of section six (6) of this act, for the purpose of paying the principal of the said bonds by this

act authorized to be issued and paid into the said sinking fund, shall equal the principal of one or more of such bonds, the president and board of trustees shall determine, by lot, which of said bonds shall be paid therewith, by placing in a ballot box the number [numbers] of all of such bonds then outstanding, written on separate ballots, and separately and carefully folded; and thereupon some one of their number shall, after such ballots shall have been well mixed, draw therefrom one number at a time, which number shall be publicly read and recorded by the clerk of the said village as drawn; and such drawing shall continue until the number of outstanding bonds, the principal of which shall be equal to the amount of the sinking fund on hand at the time of such drawing, shall be drawn, and the amount of the sinking fund then accumulated shall be applied to the payment of the principal of the bonds, the number of which shall be so drawn; and the president of the said village shall immediately after every such determination by lot, notify the holders of the bonds which may be so designated for (*the*) payment, if known, and if not known, by advertisement in a newspaper published in said county of Winnebago, of such drawing; and if the bonds so designated for payment shall not be presented in thirty days after such drawing and designation, the said president and trustees shall remit or cause to be remitted to and deposited in the bank where such bonds shall be payable, a sum equal to the principal of the bonds which shall be so designated for payment, with a description of such bonds, to the credit of the owners and holders thereof, unless the said president and trustees shall have elected to pay the interest and principal of said bonds at Menasha, as provided by section eight of this act; and on such deposit being made, or on notice of such election by the president and trustees to the owner or owners of said bond or bonds, the interest on the bonds for the payment of which such deposit shall be made, on such notice of such election given, shall thenceforth cease. The said president and trustees shall, once in each year, and as soon after the time for the payment of taxes in said village, in each year, shall expire, as practicable, make the determination, by lot, of the bonds to be paid out of said sinking fund for such year, as herein provided.

Notification to holders, &c.

SECTION 8. The said president and trustees may, at any time, pay either the interest or principal upon such bonds at Menasha, instead of New York, if they shall so elect, by paying the amount which may be due to any holder of such bonds, or any of them, and the then current rate of exchange on New York, they giving to the owners and holders of such bonds, notice of such election. May be paid at Menasha.

SECTION 9. This act shall take effect and be in force from and after its passage.

Approved April 2, 1863.

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## CHAPTER 250.

[*Published April* 22, 1863.]

AN ACT to amend chapter 4 of the private and local laws of 1858, entitled "an act to incorporate the city of Stevens Point."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter four of the private and local laws of 1858, entitled "an act to incorporate the city of Stevens Point," approved May 17th, 1858, is hereby amended, by adding thereto another section, as follows: "Section 7. The common council shall have power to build, erect and maintain a bridge across the Wisconsin river, within the city limits, and to erect and maintain, in said river, all the abutments and piers necessary for the erection or protection of the same, and to appropriate such sums of money as may be necessary therefor, not exceeding eight thousand dollars, to be assessed and levied in the same manner as other city taxes." Authority to council to build bridge across Wisconsin river. Not to exceed $8,000.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1863.

## CHAPTER 251.

[*Published April* 22, 1863.]

AN ACT to authorize the town of Stevens Point to aid the city of Stevens Point, Portage county, in building a bridge across the Wisconsin river.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Supervisors of town may appropriate $1,000 to build bridge across Wisconsin river.

SECTION 1. The board of supervisors of the town of Stevens Point, in the county of Portage, is hereby authorized and empowered to appropriate a sum of money, not exceeding one thousand dollars, to aid the city of Stevens Point, [in] said county, in the erection of a bridge across the Wisconsin river, within the limits of said city, and to assess and levy a tax necessary to raise the sum so appropriated, in the same manner as other town tax, [taxes.]

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1863.

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## CHAPTER 252.

[*Published April* 28, 1863.]

AN ACT to vacate certain parts of the village plat of Mount Vernon, in the county of Dane.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Parts vacated.

SECTION 1. The following parts of the plat of the village of Mount Vernon, in the county of Dane, are hereby vacated, viz.: All of that portion known as Leonard Lewis' addition; also, block number [blocks numbers] seven (7) and eight, (8,) block A, and block little a, also block little c, block twenty-nine, (29,) and the south part of block thirty, (30,) or so much thereof as not before vacated.

How lands vacated to be assessed, &c.

SECTION 2. The lands upon which said addition, blocks or lots have been laid, shall hereafter be ap-

praised and [assessed] irrespective of subdivisions into blocks or parts of blocks, streets or alleyways, and the assessors of said town in which said blocks are situated, are hereby authorized and required, on or before the first day of June next, to amend the assessment roll of said town in accordance with the acquirements of this act.

SECTION 3. This act is hereby declared a public act, and shall take effect from and after its passage.

Approved April 2, 1863.

## CHAPTER 253.

[*Published April* 23, 1863.]

AN ACT to make turnpike or plankroads public highways in certain cases.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :*

SECTION 1. Whenever any turnpike or plankroad, or any portion thereof, shall have been abandoned, by the owner or owners thereof neglecting to make repairs and collect tolls upon the same, for the period of sixty days, such road or any portion thereof so abandoned, shall be deemed a public highway, and the supervisors of any town in which such road or any portion thereof may be situated, shall immediately after such abandonment as aforesaid, cause the same to be put and kept in repair. When turnpike or plankroad may be deemed public highway.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1863.

## CHAPTER 254.

[*Published April* 23, 1863.]

AN ACT to amend chapter 170 of the general laws of 1861, entitled "an act to appropriate certain islands in the Wisconsin river, in the county of Wood, to the Grand Rapids bridge company."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation of islands.

SECTION 1. Section one of chapter one hundred and seventy of the general laws of the year 1861, is hereby amended, so as to read as follows: "That the several islands in the Wisconsin river, situate, lying and being in the county of Wood, be and the same are hereby appropriated to Reuben C. Lyon, Samuel S. Bensley and James McGrath, as commissioners, in trust for the Grand Rapids bridge company: *provided*, said commissioners shall, within three years from the first day of April, A. D. 1861, cause the said islands to be measured and surveyed by some competent surveyor, and also, within the same time, cause a certificate, signed by said surveyor, to be filed in the office of the secretary of state, describing such islands, and showing the number of acres and parts of an acre therein contained."

Lands to be surveyed, &c.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1863.

## CHAPTER 255.

[*Published April* 23, 1863.]

AN ACT to repeal chapter 345 of private and local laws of 1857, entitled "an act to incorporate the village of Black Earth."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Repeal.

SECTION 1. Chapter 345 of private and local laws of 1857, is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1863.

## CHAPTER 256.

[*Published April* 2', 1863.]

AN ACT to authorize the board of supervisors of Crawford county to pass an ordinance allowing horses, mules or cattle to run at large upon unenclosed lands in said county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The board of supervisors of Crawford county are hereby authorized to pass an ordinance allowing horses, mules or cattle to run at large upon lands in said county not enclosed by a lawful fence, with such restrictions as such board may deem proper; and said board may prescribe penalties for a violation of said ordinanance, [ordinance,] not at variance with the constitution and laws of this state.

Authority to pass ordinance allowing cattle, &c., to run at large.

SECTION 2. Such ordinance and all changes made therein shall be published for three weeks successively, in some newspaper published in said county, before said ordinance shall take effect.

Ordinance to be published.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1863.

## CHAPTER 257.

[*Published April* 23, 1863.]

AN ACT giving the board of supervisors of La Fayette county authority to pass an ordinance allowing horses, mules, sheep or cattle to run at large upon unenclosed lands in said county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The board of supervisors of La Fayette county are hereby authorized to pass an ordinance allowing horses, mules, sheep or cattle to run at large upon lands in said county not enclosed, by a lawful fence, with such restrictions as to such board may seem proper; and said board may prescribe penalties for a

Authority to pass ordinance allowing cattle, &c., to run at large.

violation of said ordinance, not at variance with the constitution and laws of this state.

Ordinance to be published.

SECTION 2. Such ordinance and all changes made therein shall be published for three weeks, successively, in some weekly newspaper published in said county, before said ordinance shall take effect.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1863.

## CHAPTER 258.

[*Published April* 23, 1863.]

AN ACT to vacate a part of "Miller's addition" to Beaver Dam. in the county of Dodge.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Part vacated.

SECTION 1. So much of Miller's addition to Beaver Dam, in the county of Dodge, as lies east and north-east of the track of the La Crosse and Milwaukee railroad, and north and north-west of Spring street, is hereby vacated.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1863.

## CHAPTER 259.

[*Published April* 23, 1863.]

AN ACT to appropriate to A. M. Blair the sum of $1200.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation for loss of property by riot.

SECTION 1. There is hereby appropriated to A. M. Blair, out of any money in the treasury not otherwise appropriated, the sum of twelve hundred dollars, in full

satisfaction, on the part of the state and general government, for loss sustained by him in the destruction of his property by the riot in Ozaukee county, November 10th, A. D. 1862.

SECTION 2. Before any of the amount appropriated by this act shall be drawn from the treasury, the said A. M. Blair shall present to the treasurer a certificate signed by the governor, to the effect that he has furnished the governor a statement, properly verified, of the nature and amount of the loss sustained, with such accompanying proof as the governor may require. Statement of amount of loss.

SECTION 3. It shall be the duty of the governor, upon being furnished with the statement and proof mentioned in the preceding section, to make and deliver to the said A. M. Blair the certificate mentioned in said section, and as soon thereafter as practicable, place such statement or a certified copy thereof, in the hands of the Wisconsin delegation in congress, with the request that they use their influence to cause the passage of an act of congress reimbursing the state for the amount thus paid, and report to the legislature what action is taken in the matter. Statement to be laid before congress

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved April 1, 1863.

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## CHAPTER 260.

[*Published April* 23, 1863.]

AN ACT to appropriate to J. C. Loomis the sum of $800.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to J. C. Loomis, out of any money in the state treasury not otherwise appropriated, the sum of eight hundred dollars, in full satisfaction, on the part of the state and general government, for loss sustained by him in the destruction of his property by the riot in Ozaukee county, November 10th, A. D. 1862. Appropriation for loss of property by riot.

Statement of amount of loss.

SECTION 2. Before any of the amount appropriated by this act shall be drawn from the treasury, the said J. C. Loomis shall present to the treasurer a certificate signed by the governor, to the effect that he has furnished the governor a statement, properly verified, of the nature and amount of the loss sustained, with such accompanying proof as the governor may require.

Statement to be laid before congress, &c.

SECTION 3. It shall be the duty of the governor, upon being furnished with the statement of proof mentioned in the preceding section, to make and deliver to the said J. C. Loomis the certificate mentioned in said section, and as soon thereafter as practicable, place such statement or a certified copy thereof, in the hands of the Wisconsin deligation [delegation] in congress, with the request that they use their influence to cause the passage of an act of congress, reimbursing the state for the amount thus paid, and report to the legislature what action is taken in the matter.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved April 1, 1863.

## CHAPTER 261.

[*Published April* 23, 1863.]

AN ACT to appropriate to H. W. Stillman the sum of $1400.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation for loss of property by riot.

SECTION 1. There is hereby appropriated to H. W. Stillman, out of any money in the state treasury not otherwise appropriated, the sum of fourteen hundred dollars, in full satisfaction, on the part of the state and general govermenment, for loss sustained by him in the destruction of his property by the riot in Ozaukee county, November 10th, A. D. 1862.

Statement of amount of loss.

SECTION 2. Before any of the amount appropriated by this act shall be drawn from the treasury, the said H. W. Stillman shall present to the treasurer a certificate signed by the governor, to the effect that he has furnished the governor a statement, properly verified,

of the nature and amount of the loss sustained, with such accompanying proof as the governor may require.

Statement to be laid before congress, &c.

SECTION 3. It shall be the duty of the governor, upon being furnished with the statement of proof mentioned in the preceeding [preceding] section, to make and deliver to the said H. W. Stillman the certificate mentioned in said section, and as soon thereafter as practicable, place such statement or a certified copy thereof, in the hands of the Wisconsin delagation [delegation] in congress, with the request that they use their influence to cause the passage of an act of congress, reimbursing the state for the amount thus paid, and report to the legislature what action is taken in the matter.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved April 1, 1863.

## CHAPTER 262.

[*Published April* 24, 1863.]

AN ACT to appropriate to H. H. Hunt the sum of $2000.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation for loss of property by riot.

SECTION 1. There is hereby appropriated to H. H. Hunt, out of any money in the state treasury not otherwise appropriated, the sum of two thousand dollars, in full satisfaction, on the part of the state and general government, for loss sustained by him in the destruction of his property by the riot in Ozaukee county, November 10th, A. D. 1862.

Statement of amount of loss.

SECTION 2. Before any of the amount appropriated by this act shall be drawn from the treasury, the said H. H. Hunt shall present to the treasurer a certificate signed by the governor, to the effect that he has furnished the governor a statement, properly verified, of the nature and amount of the loss sustained, with such accompanying proof as the governor may require.

Statement to be laid before congress, &c.

SECTION 3. It shall be the duty of the governor, upon being furnished with the statement of proof mentioned in the preceding section, to make and deliver to the said H. H. Hunt the certificate mentioned in said section, and so soon thereafter as practicable, place such statement or a certified copy thereof, in the hands of the Wisconsin delagation [delegation] in congress, with the request that they use their influence to cause the passage of an act of congress, reimbursing the state for the amount thus paid, and report to the legislature what action is taken in the matter.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved April 1, 1863.

## CHAPTER 263.

[*Published April* 23, 1863.]

AN ACT to appropriate to J. H. Foster the sum of one hundred and twenty dollars.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation for and surrender of certificate No. 592.

SECTION 1. There is hereby appropriated to J. H. Foster the sum of one hundred and twenty dollars, to be paid out of the school fund: *provided*, the said J. H. Foster shall receive the same in full compensation for all claims he may have against the state, on account of the issuing by the school land commissioners of scheol land certificate number 592, and that he shall surrender said certificate to the secretary of state.

Approved April 2, 1863.

# CHAPTER 264.

[*Published April* 4, 1863.]

AN ACT to provide for the relief of families of persons who may die in the military service of the United States or of the state of Wisconsin.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The families of all non-commissioned officers, musicians and privates mustered into the military service of the United States or of this state, in pursuance of any law of this state, who are now entitled, under the laws of this state, to receive five dollars per month, shall, in case of the death of such non-commissioned officer, musician or private in the military service of the United States or of this state, continue to receive such five dollars per month for six months after the death of such non-commissioned officer, musician or private: *provided*, that the same shall cease at any time during such six months that any such family shall commence receiving a pension from the United States government.

**Extra pay to be continued six months after death of volunteer.**

**Proviso.**

SECTION 2. Such payment shall be made in the same manner and to the same persons as is now provided by law for the payment of the said five dollars per month to the families of such persons; and the secretory of state is hereby authorized to make and prescribe such blank forms as in his judgment may be necessary to carry out the purposes of this act.

**How payments to be made.**

SECTION 3. There is hereby appropriated out of the war fund, a sufficient amount of money to carry out the provisions of this act.

**Appropriation.**

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1863.

## CHAPTER 265.

[*Published April* 4, 1863.]

AN ACT to carry into execution certain provisions of a trust conferred upon the state of Wisconsin, by an act of congress entitled "an act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2d, 1862.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Acceptance of grant.

SECTION 1. The lands, rights, powers and privileges granted to and conferred upon the state of Wisconsin, by an act of congress entitled "an act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, are accepted by the state of Wisconsin, upon the terms, conditions and restrictions contained in said act of congress.

Commissioners to select lands.

SECTION 2. The governor is hereby authorized and required to appoint two commissioners, whose duty it shall be, under the direction of the governor, to enter upon and carefully view the lands subject to entry under the provisions of the aforesaid act of congress, and to select and locate, of said lands, an amount not less than two hundred and forty thousand acres. The said commissioners shall likewise make and preserve such descriptive notes, and collect and forward to the executive office of the state such specimens of minerals, soils, timber, &c., illustrative of the general resources and especially of the agricultural capacity of the said selected lands, as the governor may require.

Descriptive notes, mineral, &c.

Commissioners to select lands.

SECTION 3. The commissioners so appointed shall, before entering upon the duties required of them by this act, make oath or affirmation that they will faithfully and to the best of their ability discharge the duties devolving upon them as such commissioners, so as best to promote the objects of the said grant, to the exclusion of every other interest whatsoever; and the said commissioners shall, at such times as he may designate, report to the governor a full and complete list and description of the lands by them selected, which list the governor shall lay before the commissioners of school and university lands, and the board of regents

List to be laid before school land commissioners, &c.

or trustees of the institution contemplated by the act of congress before mentioned, should such board have been created and organized at the date of the return of said list by said commissioners, for their approval; and when so approved, the governor shall immediately take measures to have the said selection of lands approved by the secretary of the interior, and certified to this state.

If selection be confirmed, list to be recorded, &c.

SECTION 4. Upon receipt by the governor of the confirmation of the said selection of lands from the secretary of the interior, the governor shall cause the said list to be recorded with a description thereof, in a book or books to be kept for that purpose in the office of such board of commissioners, regents or trustees as shall be intrusted with the management and sale of the said lands.

Pay of commissioners.

SECTION 5. The commissioners appointed under this act shall receive five dollars per diem for the time actually employed in selecting and locating said lands, and for all expenses thereby incurred, as full compensation therefor.

Appropriation.

SECTION 6. Bills allowed under this act, if sanctioned by the governor as correct, shall be paid by the state treasurer out of the general fund, upon the audit and warrant of the secretary of state.

SECTION 7. The sum of thirteen hundred dollars, or so much thereof as may be necessary, is hereby appropriated to carry out the provisions of this act.

SECTION 8. This act shall take effect and be in force from and after its passage.

Approved April 2, 1863.

## CHAPTER 266.

[*Published April* 7, 1863.]

AN ACT to amend chapter twenty-nine of the general laws of 1862, entitled "an act to repeal section nine of chapter thirteen of the general laws of the extra sessson of 1861, entitled 'an act to provide for borrowing money to repel invasion, suppress insurrection and defend the state in time of war.'"

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Claims against war fund to be presented within two years.

SECTION 1. Section two of chapter twenty-nine of the general laws of 1862, is hereby amended, so as to read as follows: "All claims and demands against the

state for expenses and disbursements authorized by any law of this state, and which by the laws of this state are payable out of the loan and the fund authorized and created by the act of which this is amendatory, denominated the war fund, shall be presented within two years from the time the same shall accrue; and all such claims and demands as are not presented for payment within two years from the time the same shall have accrued, shall be considered as donated to the state."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1863.

## CHAPTER 267.

[*Published April* 23, 1863.]

AN ACT to remit to the City bank of Kenosha, located at Kenosha, in the state of Wisconsin, the sum of $841 75.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

$841,75 remitted.

SECTION 1. There is hereby remitted to the City bank of Kenosha, located at Kenosha, in the state of Wisconsin, the sum of eight hundred and forty-one and 75-100 dollars, being balance of amount of bank tax unremitted, paid by said bank upon sixty-five thousand dollars of its capital stock into the state treasury, since the 30th day of June, A. D. 1862.

Appropriation.

SECTION 2. The state treasurer is hereby authorized and required to pay to said bank, on demand, the said sum of money mentioned in section one of this act; and there is hereby appropriated out of any money in the state treasury not otherwise appropriated, an amount sufficient for such purposes.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1863.

# CHAPTER 268.

[*Published April* 23, 1863.]

AN ACT to amend section 79 of chapter 19 of the revised statutes, entitled "of highways [and] bridges, and of ferries."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section seventy-nine of chapter nineteen of the revised statutes, is hereby amended, so as to read as follows, to wit: "Section 79. Upon the filing of such application and a bond executed to the supervisors of the town, with sufficient sureties, to be approved by the justice, conditioned to pay all costs arising from such appeal, provided the determination of the supervisors in laying out, altering or discontinuing, or refusing to lay out, alter or discontinue such highways, (as the case may be,) shall not be reversed, such justice shall issue a notice, specifying therein a time and place for the appointment of commissioners, which notice shall be served on one or more of the supervisors at least six days before such time; and at the time and place so appointed, the justice shall make a list of eighteen disinterested freeholders of the county. Each party may object to six on such list, and in case none of the supervisors shall be present, the justice shall strike off the names for the supervisors, and out of the number not struck off, the justice shall by lot select three for such commissioners: *provided*, that if at any time before the making of said list of freeholders, the said supervisors shall file with the said justice an affidavit, made by one or more of the said supervisors, stating that he or they have reason to believe and do believe that the justice to whom the application was made, from prejudice or any cause, will not act impartially in the appointment of commissioners, and shall pay to the justice twenty-five cents for a statement, in writing, of the proceedings had before him, and for transmitting the papers in the case, then such justice of the peace shall transmit all of the papers in the case to the nearest justice of the peace in the county; and the justice to whom such papers are transmitted, shall proceed to appoint the commissioners in the manner as it would have been lawful for the justice to whom such

Bond for appeal, notice to supervisor, &c.

Change of venue.

application was made, to have done. But this provision shall not extend to a second removal."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1863.

## CHAPTER 269.

[*Published April* 8, 1863.]

AN ACT to amend chapter 158 of the revised statutes, entitled "of the writ of habeas corpus."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Writs of habeas corpus to be returnable before judge of circuit or county court, &c.

SECTION 1. All writs of habeas corpus issued by any court commissioner, and all warrants issued by such officer, under chapter one hundred and fifty-eight, section thirty-six, of the revised stautes, shall be returnable before a judge of the circuit court, or a judge of a county court, or a judge of the supreme court; and the judge before whom it shall be so returnable, shall have jurisdiction of the same, and of all subsequent proceedings, as if it had been originally issued by him. The court commissioner shall, upon issuing such writ or warrant, immediately transmit to the judge before whom the same is returnable, the petition and any other papers upon which the writ or warrant is issued, and shall, thereafter, have no jurisdiction in the matter of such writ or warrant.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1863.

# CHAPTER 270.

[*Published April* 11, 1863.]

AN ACT to amend section 87 of chapter 134 of the revised statutes, entitled "of executions and proceedings supplementary thereto."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

By whom deed of premises sold may be executed.

SECTION 1. Section eighty-seven of chapter one hundred and thirty-four of the revised statutes, is hereby amended, so as to read as follows: "Section 87. In all cases where real estate has been or shall hereafter be sold in pursuance of law, by virtue of an execution, it shall be the duty of the officer or other person who sold or shall hereafter sell such real estate, or in case the term of office of the person who made the sale shall have expired before a deed shall be demanded, then of the incumbent of such office at the time when such deed shall be demanded, to execute a deed of the premises so sold and unredeemed, agreeably to the provisions of law, either to the original purchaser or to the creditor who may have acquired the title of such original purchaser, or to the creditor who may have purchased such title from any other creditor, or to the assignee, as the case may be, of the certificate of sale executed on such sale, to the purchaser of the premises therein described."

By whom and when conveyance to be executed.

SECTION 2. Section 71 of said chapter 134 is hereby amended, so as to read as follows: "After the expiration of twenty-seven months from the time of the sale of any real estate, if any part of the premises sold shall remain unredeemed by the person against whom the execution issued, or by any person entitled to redeem the same within two years from the time of such sale, according to the foregoing provisions, then the officer making such sale, or if his term of office, shall have expired, then the incumbent of said office, shall, when dedemanded, complete such sale, by executing a conveyance of the premises so remaining unredeemed, either to the original purchaser or to the creditor who may have acquired the title of such original purchaser, or to the creditor who may have purchased such title from any other creditor, as the case may be, which convey-

ance shall be valid and effectual to convey all the right, title and interest which was sold by such officer."

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1863.

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## CHAPTER 271.

[*Published April* 23, 1863.]

AN ACT to lay out a state road from Monroe, in Green county, to Gratoit, in La Fayette county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Commissioners.

SECTION 1. Charles S. Foster, A. G. Pinney and D. G. Tuttle are hereby appointed commissioners to lay out and establish a state road from Monroe, in Green county, through lot fifteen, section one, town one, range five east, crossing Spafford Branch near its mouth, to Gratoit, in La Fayette county.

Compensation, &c.

SECTION 2. Any two of said commissioners may proceed to lay out and establish said road, and upon the performance of such service, shall be entitled to receive a reasonable compensation therefor from the counties through which said road may pass: *provided*, that no part of said expense shall be paid out of the state treasury.

SECTION 3. This act shall be in force from and after its passage and publication.

Approved April 2, 1863.

## CHAPTER 272.

[*Published April* 23, 1863.]

AN ACT to vacate the plat of Puebla, in the county of St. Croix.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The plat of Puebla, in the county of St. Croix, is hereby vacated. Vacated.

SECTION 2. This act shall be declared a public act, and take effect from and after its passage.

Approved April 2, 1863.

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## CHAPTER 273.

[*Published April* 23, 1863.]

AN ACT to authorize the secretary of state to draw orders upon the state treasurer in favor of the Vernon county aggricultural [agricultural] society, and the Adams county aggricultural [agricultural] society, in pursuance of section five of chapter fifty-three of the general laws of 1858.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The secretary of state is hereby athorized and directed to issue his order upon the state treasurer, in favor of the Vernon county aggricultural [agricultural] society, and also his order, in like manner, in favor of the Adams county aggricultural [agricultural] society, pursuant to section five of chapter fifty-three of the general laws of 1858, in the same manner as though the annual reports of said societies had been received on the first day of February, A. D. 1863: *provided*, said aggricultural [agricultural] societies shall previous [previously] to the passage of this act, each file with the secretary of state a report verified by the oath of their respective secretaries, that the said societies have held an annual fair or exhibition during the year 1862, and that an amount of not less than one hundred dollars has been received by each of

When orders may be drawn in favor of.

Proviso.

said societies during the year, from other sources than from the state.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1863.

## CHAPTER 274.

[*Published April* 23, 1863.]

AN ACT to vacate the plat known as Hart and Norton's addition to the city of Portage, in the county of Columbia.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Part vacated.

SECTION 1. The plat known as Hart and Norton's addition to the city of Portage, in the county of Columbia, and state of Wisconsin, is hereby vacated.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1863.

## CHAPTER 275.

[*Published April* 23, 1863.]

AN ACT to provide for printing an additional number of the report of the superintendent of public instruction.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

5,000 extra copies.

SECTION 1. When the annual report of the superintendent of public instruction shall be delivered to the public printer, by the governor, in addition to the number of copies now authorized by law, the public printer shall print five thousand copies of said report, which shall be folded and stiched [stitched] in pamphlet form. Five hundred copies shall be for the use of the superintendent of public instruction, and the remainder shall

be laid before the legislature for the use of the members thereof.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved April 2, 1863.

## CHAPTER 276.

[*Published April* 23, 1863.]

AN ACT to authorize the state treasurer and secretary of state to omit from their annual reports, detailed statements of the receipts and disbursements of the war fund, the allotment fund and the fund in aid of the families of volunteers.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The secretary of state and the state treasurer are hereby authorized to omit from their annual reports, detailed statements of the receipts and disbursements in the war fund, the allotment fund and the fund in aid of the families of volunteers. Detailed statements of disbursements from war fund, may be omitted.

SECTION 2. The provisions of any acts conflicting with the provisions of this act, are hereby repealed. Repeal.

SECTION 3. This act shall take effect from and after its passage.

Approved April 2, 1863.

## CHAPTER 277.

[*Published April* 23, 1863.]

AN ACT to authorize the trustees of the Wisconsin state hospital for the insane to investigate and settle the claim of Mathias Martin for clearing the grounds upon which the institution is located.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The trustees of the Wisconsin state hospital for the insane are hereby authorized and empow- Settlement of claim of M. Martin.

ered to investigate the claim of Mathias Martin for services in clearing the grounds upon which said hospital is located; and if any amount is found to be due said Martin, they shall draw their warrant upon the state treasury for such amount, which shall be sufficient authority for the state treasurer to pay the same.

Appropriation.

SECTION 2. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, a sum sufficient to pay the warrant authorized by the preceding section.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1863.

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## CHAPTER 278.

[*Published April* 23, 1863.]

AN ACT to vacate the village plat of Pittsburg, located on the north-east quarter of the south-west quarter of fractional section thirty-six, (36,) in town nine, (9,) range two west, and to provide for the sale of the same.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Vacated.

SECTION 1. That the plat of the village of Pittsburg, laid out and platted by the commissioners of school and university lands, in the year 1849, upon the north-east quarter of the south-west quarter of fractional section number thirty-six, (36,) town nine, (9,) of range two west, be and the same is hereby vacated.

Lands to be advertised and sold to highest bidder.

SECTION 2. The commissioners of school and university lands are hereby authorized to offer the above described land for sale, after causing the same to be advertised at least four successive weeks in a newspaper published in the county where the land is located, previous [previously] to the day of sale, when it shall be offered for sale at public auction, and sold to the highest bidder, without reference to the appraisement of the same as village lots: *provided*, it shall not be sold for less than three dollars per acre. If not sold at public auction, it shall then be subject to private entry,

Minimum.

the minimum price to be not less than three dollars per acre.

SECTION 3. This act shall be in force and take effect from and after its passage and publication.

Approved April 2, 1863.

## CHAPTER 279.

[*Published April* 23, 1863.]

AN ACT to lay out a state road in Douglass and La Pointe counties, and to repeal chapter two hundred and nineteen of the private and local [general] laws of eighteen hundred and sixty-one, entitled "an act to lay out a state road in Douglass and La Pointe counties."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. James S. Ritchie, James Edwards and S. S. Vaughn (*be and*) are hereby appointed commissioners to lay out a state road, commencing at or near Second street, in the town of Superior, Douglass county, and terminating at or near Washington avenue, in the town of Bayfield, La Pointe county, Wisconsin, with a branch to the mineral range in town forty-seven, of range thirteen, who, or any two of whom, after being duly sworn before some justice of the peace to perform the duties of this act with fidelity, shall meet at some time agreed upon by the aforesaid commissioners, and carefully view the ground over which said road is to pass, and lay out and locate a good summer wagon road between said points, not less than thirty feet in width, the trees to be well slashed not less than thirty feet on each side, with a suitable grade, and shall distinctly mark the same; after which, they shall make out two correct maps or drafts thereof, and file one of the same in the office of the clerk of the board of supervisors of each of said counties; whereupon said road shall become a public highway, and it shall be the duty of the respective supervisors to open said road, so marked as aforesaid, as soon as possible, and keep the same in repairs, as other highways in the said counties. Commissioners—their duties.

Their compensation.

SECTION 2. That the said commissioners shall receive the sum of two dollars for every day they shall necessarily be engaged in the performance of their duties, and such assistants as they may employ, not exceeding three, shall receive one dollar per day, to be paid from the treasuries [treasury] of the respective counties, in proportion to the length of the road in each county, respectively, on orders of the respective county supervisors, who shall adjust their accounts: *provided*, that no part of the expenses incurred under this act shall ever be paid by the state.

Repeal.

SECTION 3. Chapter two hundred and nineteen of the private and local [general laws] of eighteen hundred and sixty-one, entitled "an act to lay out a state road in Douglass and La Pointe counties," is hereby repealed.

Approved April 2, 1863.

## CHAPTER 280.

[*Published April* 23, 1863.]

AN ACT to lay out a state road from Superior, through Douglass and Burnett counties, to St. Croix Falls, in the county of Polk, with a branch along the mineral range in town forty-seven, range fourteen west.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Commissioners—their duties.

SECTION 1. James S. Ritchie, of Douglass county, Canute Anderson, of Burnett county, and J. B. Churchill, of Polk county, are hereby appointed commissioners to lay out a state road, commencing at or near Second street, in the town of Superior, Douglass county, and terminating at St. Croix Falls, in the county of Polk, with a branch along the mineral range in town forty-seven, range fourteen, who, or any two of whom, after being duly sworn to perform the duties under this act, shall carefully view the ground over which said road is to pass, and lay out and locate a good summer wagon road between said points, not less than forty feet in width, the trees to be well slashed not

less than forty feet on each side of said road, with a suitable grade, and shall distinctly mark the same; after which, they shall make a correct map or draft thereof, and file the same in the office of the clerk of the county board of supervisors; whereupon said road shall become a public highway, and it shall be the duty of the county supervisors to open said road so marked as aforesaid, as soon as possible, and keep the same in repair as other highways in said counties.

Special tax.

SECTION 2. The county board of supervisors of Douglass county are hereby authorized to levy a special tax for road purposes, to be expended under the direction of the county board for the opening and completion of this road, of three thousand dollars.

Compensation of commissioners.

SECTION 3. The said commissioners shall receive the sum of two dollars per day for every day they shall necessarily be engaged in the performance of their duties, and such assistants as they may employ, not exceeding three, shall receive one and one-half dollars per day, to be paid from the treasuries of the counties through which said road shall pass, in proportion to the distance of the same: *provided*, that no part of the expenses incurred under this act shall ever be paid by the state.

SECTION 4. This act shall be in force from and after its passage.

Approved April 2, 1863.

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## CHAPTER 281.

[*Published May* 4, 1863.]

AN ACT to authorize the laying out of a state road from Prescott, Pierce county, to a point therein named.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Commissioners.

SECTION 1. J. W. Beardsley, S. O. McKeon, L. M. Hansberger, H. A. Jay and John Misgen are hereby appointed commissioners to lay out and establish a state road from a point in the first ward of the city of Prescott, where Vine and Walnut streets intersect, thence

running an easterly course until it strikes the state road on section nine, in town twenty-six, of range nineteen.

To conform to provisions of law.

SECTION 2. Said road shall be laid out and established in conformity with the provisions of law in relation to state roads: *provided*, that no part of the expense shall be paid out of the state treasury.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1863.

## CHAPTER 282.

[*Published April* 23, 1863.]

AN ACT to alter and relay so much of the state road from Pheasant Branch, in the county of Dane, to Lodi, in the county of Columbia, as lays in the town of Dane, in the county of Dane.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Commissioners.

SECTION 1. J. O. Eaton, Hiram Jencks and S. L. Ward are hereby appointed commissioners to alter and relay that part of the state road from Pheasant Branch, in the county of Dane, to Lodi, in the county of Columbia, which lays in the town of Dane, in the county of Dane.

Their duties, &c.

SECTION 2. The said commissioners, or a majority of them, may meet at such time and place as they may designate, and proceed, after complying with the requirements of law for the laying out of state roads, to view, alter and relay said road in the said town of Dane: *provided*, that no compensation therefor shall be allowed for locating said road over any road or roads already located.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1863.

## CHAPTER 283.

[*Published April* 23, 1863.]

AN ACT to amend chapter 317 of the private and local [general] laws of 1860, entitled "an act to amend an act to incorporate the city of Sheboygan, and the several acts amendatory thereof."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Ordinances, &c., to be published in English and German.

SECTION 1. Section five of chapter three hundred and seventeen of the private and local [general] laws of 1860, is hereby amended, so as to read as follows: "The common council, at their first annual meeting in each year, or as soon thereafter as may be, shall designate not more than two papers printed in said city of Sheboygan, one printed in the English language, and one printed in the German language, in which shall be published all ordinances and other proceedings and matters required by the act to which this act is amendatory, or by the by-laws or ordinances of the common council, to be published in a newspaper."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1863.

## CHAPTER 284.

[*Published April* 23, 1863.]

AN ACT to authorize the quartermaster-general of the state to effect a settlement with J. V. Robbins, upon a contract made by him with the state, upon the eighteenth day of November, A. D. 1861.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Settlement between state and J. V. Robbins.

SECTION 1. The quartermaster-general of this state is hereby authorized and empowered to settle with J. V. Robbins, upon his contract with this state, made and entered into upon the eighteenth day of November, A. D. 1861; and if upon such settlement any amount shall be found due to the said Robbins, upon the con-

tract aforesaid, the quartermaster-general shall deduct from the amount so found to be due, any and all sums which may be due to the state from the said Robbins, for freight charges advanced on goods received on his contracts by the quartermaster-general, in 1861.

Appropriation.

SECTION 2. There is hereby appropriated out of any money in the state treasury belonging to the war fund, not otherwise appropriated, a sum sufficient for the payment of the amount found to be due by the settlement provided for in section one of this act.

Release, &c.

SECTION 3. It shall be the duty of the quartermaster-general, upon effecting the settlement provided for by section one of this act, to require such releases, receipts and vouchers as will forever bar all claims of all parties or persons having an interest in the said contract, from making any further claim upon the state thereupon, and as will enable the quartermaster-general to properly certify the same for adjudication by the general government.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved April 2, 1863.

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## CHAPTER 285.

[*Published April* 25, 1863.]

AN ACT to authorize the construction, widening and improving of a highway or street in the city of Milwaukee.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Board of commissioners.

SECTION 1. Edward H. Broadhead, John Plankinton and W. P. Merill, of the city of Milwaukee, are hereby appointed and constituted a board of commissioners, under the direction of whom, or a majority of whom, shall be done the widening, gravelling [graveling] and otherwise improving the highway designated on Lapham's map of the city of Milwaukee, as the continuation of the "Muskego road," and extending from the south line of the north-east quarter of section number thirty-one, (31,) of township seven, (7,) of range num-

ber twenty-two (22) east, to Clybourn street, in the fourth ward of said city of Milwaukee.

SECTION 2. Said commissioners hereby appointed are authorized to order the widening, gravelling [graveling] and otherwise improving the said highway between the points aforesaid; and if they deem the same advisable, to order in connection with the improving the said highway, the construction of a bridge in said highway, across the track of the Milwaukee and Prairie du Chien railway, where the same is crossed by said railway. Authority to board.

SECTION 3. Said commissioners before entering upon the discharge of their duties under this act, shall take and subscribe, in writing, an oath faithfully and honestly to discharge the same, which said oath so taken and subscribed, shall be filed in the office of the city comproller [comptroller] of the city of Milwaukee. In case any or all of said commissioners shall for any reason neglect or refuse to serve and act as such, the judge of the circuit court of Milwaukee county shall, on application to him for that purpose by any person interested in the improving of such highway, or by any one of such commissioners being willing to serve as such, appoint another commissioner or commissioners to serve in his or their stead; and said circuit judge shall, in like manner, fill any vacancies that may occur at any time, by resegnation [resignation] or otherwise, in said board of commissioners. To take oath. Vacancies—how filled.

SECTION 4. Whenever said board of commissioners shall determine to order the widening, gravelling [graveling] or otherwise improving the said highway, or the building of said bridge, they shall cause to be made by the city engineer of the said city of Milwaukee, who shall also make the necessary specifications of the work which said board of commissioners shall determine to have done, an estimate of the whole expense thereof, which expense shall be borne by the property benefitted [benefited] thereby, and said board of commissioners shall determine the proportion which each tract or lot benefitted [benefited] thereby shall bear of the said expense. Such specifications and estimates of said city engineer, and such determination by the said board of commissioners of the proportion of such expense which each tract or lot benefitted [benefited] by said improvement shall bear, shall be in writing, shall be Specifications, and estimate and apportionment of expense.

certified to by said engineer and said board, respectively, and shall be filed within five days after the same shall be made, in the office of the city comptroller of said city. Upon the filing of such specifications and estimate of such city engineer, and said determination of said board of commissioners as aforesaid, the said city comptroller shall give notice by publication for five days in the official paper or papers of said city, that such specifications, estimate and determinations have been made and filed. Any persoon [person] feeling aggrieved at such determination of said board of commissioners in respect to the proportion of the expense of such improvement which they shall determine that any lot or tract owned by him shall bear as aforesaid, may appeal from such determination of said board of commissioners to the common council of said city. Such appeal shall be taken within ten days after the first publication of said notice by said city comptroller as aforesaid, and not thereafter, and may be had by serving a written notice thereof upon any one of said board of commissioners, and upon the city clerk of said city. All appeals taken hereunder shall be heard and determined at the same time by said common council, in joint convention; and upon the hearing of such appeals, said common council may alter or change the amount fixed by said board of commissioners as the amount that any lot or tract benefitted [benefited] by said improvement shall bear, in reference to which any appeal may be taken; and said common council on such appeals shall finally determine the proportion of the expense of such improvement that each lot or tract shall bear, in reference to which any such appeal may be taken.

Notice by publication.

Appeal to common council.

When to be taken.

How heard, &c.

Determination of council to be final.

SECTION 5. Upon the determination of such appeals by said common council, if any shall be taken, and if no such appeals shall be taken, then at the expiration of ten days from the time of the first publication of the notice provided in the preceding section, said board of commissioners shall give notice by publication in the official paper or papers of said city, that they have determined upon and ordered the making of such improvement, and shall, in any such notice, require the owners, agents and occupants of the property benefitted [benefited] by said improvement, as determined by said board of commissioners, to make the same in ac-

Publication of determination of council to make the improvement.

Improvement may be made by owners of property benefited.

cordance with the estimate and specifications of the city engineer within a reasonable time therein to be fixed, and that in case of default thereof, (*that*) the said board of commissioners will cause the same to be done at the expense of said property so benefitted, [benefited,] as herein provided.

Advertising for proposals, award of contract, &c.

SECTION 6. At the expiration of the time limited in the notice prescribed in the next preceding section, in case said owners, agents or occupants shall neglect to make said improvements, or any part thereof, as thus ordered by said board of commissioners, said city comptroller shall advertise proposals for doing the same. Such advertisement shall be published and the contract therefor shall be let in the same way provided by the charter of said city for making improvements upon the streets, alleys and sidewalks thereof; but such contract shall be let by said commissioners to the lowest responsible bidder thereof, and said board of commissioners may require from such bidders security for the faithful performance of said contract within a reasonable time; and in case such bidder shall not perform said contract, and finish the work to be done thereunder within the time therein limited, said commissioners may relet said contract to the next lowest responsible bidder thereof, without any further advertisement for proposals therefor. Such contract shall be countersigned by said city comptroller, and shall be the same in form, and shall conform, as near as may be, to the contracts entered into by the street commissioners of said city for the performance of work upon streets, alleys and sidewalks therein. Said work, in making said improvements, may be let entire or in sections, as said commissioners shall deem most adviseable, [advisable;] and the contract or contracts therefor shall specify that the price to be paid for said work shall be payable in certificates to be issued by said commissioners against the property benefitted [benefited] by such improvement, which certificates shall be the same in form, and shall conform, as near as may be, to the certificates issued by street commissioners in said city for city improvement. Such certificates may be issued from time to time as the said work shall progress and be completed, and shall be countersigned by said comptroller; and when so issued by said commissioners and countersigned by said comptroller, shall be and remain a lien upon

Contract may be relet.

Work may be let entire or in sections, and shall be paid for in street commissioners' certificates.

Certificates a lien, how collectable, interest, &c.

the property against which the same shall issue for the amount thereof and interest thereon, as herein provided, from the time they shall be so countersigned by said comptroller; and in case the same are not paid or redeemed before the time of making out of the annual assessment roll of said city, the same and the amount thereof shall be specially assessed upon the property against which they may be issued, and collected in the same manner that street commissioners' certificates in said city are assessed upon and collected against the property against which they may issue. They shall also draw interest at the rate of twenty-five per centum per annum from the time the lot or tracts described therein shall be sold by the city treasurer for and on account of the non-payment thereof, and shall be transferrable [transferable] by endorsement thereon of the name or names of the person or persons to whom they may be issued. The person or persons to whom such certificates may be issued, or any endorsee or owner or holder thereof shall have the same remedies to foreclose and collect the same which are now given by law to foreclose and collect street commissioners' certificates in said city; and the act entitled "an act to make street commissioners' certificates in the city of Milwaukee a lien upon the lots or lands against which they may issue," approved March 29, A. D., 1856, as amended by an act approved June 16th, A. D. 1862, shall apply to all certificates issued by said commissioners under this act. But no certificate issued under this act shall be for any greater amount against any lot or tract benefitted [benefited] by such improvement, than the amount of the expense of said improvement which said board of commissioners shall determine that such lot or tract ought to bear; and in case the contract or contracts for making such improvements shall exceed the amount of said estimate of said city engineer, such excess shall be paid and borne in equal parts by the ward funds of the fourth and eighth wards of said city.

Application of statutes.

Certificates not to exceed amount of expense.

Filing of contracts, &c.

SECTION 7. All contracts, specifications and estimates made or entered into under the provisitions [provisions] of this act, shall be filed in the office of the city comptroller within five days after the making of the same, and shall be kept by him with the other records and papers filed and kept in his office.

Sales of lots under certificates.

SECTION 8. In case of the sale of any lot or tract by the city treasurer of said city, for the non-payment

of any certificate against the same, issued under this act, the same shall be made separately, and a separate certificate shall be issued therefor on such sale, and no illegality or irregularity in the assessment of any other tax against such lot or tract, or in any sale therefor, shall affect or in any way invalidate any such sale for the non-payment of such certificate.

Taking of property for said improvement.

SECTION 9. In case it shall be necessary to take any property for the purposes of this act, not now a part of said highway hereby authorized to be improved, said commissioners may apply to the common council of said city, who shall thereupon proceed to cause such property to be taken as may be necessary; and said common council, in so doing, shall proceed in the same manner as is now provided by the charter of said city for the laying out and widening of streets in said city.

Repeal.

SECTION 10. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Public act, &c.

SECTION 11. This act is hereby declared to be a public act, and shall be so taken and construed in all courts and places whatsover. It shall be published immediately, and shall take effect and be in force from and after its passage and publication.

Approved April 2, 1863.

## CHAPTER 286.

[*Published April* 13, 1863.]

AN ACT relating to judgments and executions.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Intent and meaning of chap. 140, G. L. 1861.

SECTION 1. It was the true intent and meaning of chapter 140 of the general laws of 1861, relating to judgments and executions, that the party in whose favor judgment had heretofore been given, or should hereafter be rendered in any court in this state, whether a court of record or a court held by any justice of the peace, might proceed to enforce the same, by execution, at any time within five years from the entry of judgment, in the manner prescribed by law.

Executions in justices' courts may issue at any time within five years.

SECTION 2. Section 175 of chapter 120 of the revised statutes, entitled "of courts held by justices of the peace," is hereby amended, so as to read as follows: "Section 175. Upon every judgment rendered by a justice, execution shall be issued by such justice, or his successor in office having custody of the docket containing such judgment, in the manner hereinafter prescribed, at any time, upon demand, within five years from the rendition of such judgment."

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1863.

## CHAPTER 287.

[*Published April* 16, 1863.]

AN ACT to reduce the price of school and university lands, and to provide for the future sale thereof.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Prices of lands forfeited and resold to state.

SECTION 1. The commissioners of school and university lands are hereby authorized and required to graduate and reduce the prices of school and university lands now belonging to this state, in the manner hereinafter specified. Upon all such lands which have once been sold and forfeited, and resold to the state, and which shall remain in the hands of the state unsold on the day of the passage of this act, the price shall be reduced, by deducting from the price now fixed by law, the amount of the interest, penalties and advertising due the state at the time of such resale, and twenty per cent. of the amount of principal due the state at the time of the forfeiture: *provided*, that in no case such lands shall be sold for less than seventy-five cents per acre, exclusive of all taxes.

Minimum.

Prices of lands offered for sale, but not sold.

SECTION 2. Upon all school and university lands now belonging to the state, which have once been offered for sale and not sold, and which shall remain unsold on the day of the passage of this act, the price now fixed by law shall be reduced, by deducting therefrom

thirty-three and one-third per cent: *provided*, that in no case such land shall be sold for less than seventy-five cents per acre. Minimum.

SECTION 3. At least one-fourth of the purchase money of all school and university lands shall be paid at the time of the sale thereof, and the commissioners may require the whole price thereof at the time of sale, if, in their judgment, the interests of the state shall demand it. In case full payment be made at the time of purchase, no affidavit shall be required of the purchaser. How purchase money to be paid.

SECTION 4. All acts and parts of acts contravening the provisions of this act, are hereby repealed. Repeal.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved April 2, 1863.

## CHAPTER 288.

[*Published April* 24, 1863.]

AN ACT relating to the payment of the reward offered by the governor for the apprehension of the murderer of Thomas W. Taylor.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The governor is hereby authorized to ascertain and determine who, if any one, is entitled to receive the reward offered by his proclamation, dated January 6, 1863, for the apprehension and delivery of the murderer of Thomas W. Taylor, and may certify such determination, with the amount due, to the secretary of state, who, upon the receipt of such certificate, shall draw his warrant upon the state treasurer in favor of the person named in such certificate, as entitled to said reward, and for the amount therein mentioned. Governor to determine who is entitled to the reward, &c.

SECTION 2. There is hereby appropriated out of any funds in the treasury not otherwise appropriated, the sum of five hundred dollars, to pay the reward mentioned in section one. Appropriation.

Approved April 2, 1863.

## CHAPTER 289.

[*Published April* 25, 1868.]

AN ACT to authorize the city of La Crosse and the counties of Vernon and Richland to aid the "La Crosse, Viroqua and Mineral Point railroad company," in the construction of the La Crosse, Viroqua and Mineral Point railroad.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Authority to city of La Crosse and counties of Vernon and Richland o pay interest on bonds of La C., V. and M. P. R. R.

SECTION 1. The city of La Crosse and the counties of Vernon and Richland are hereby authorized and empowered to guarantee and provide for the payment of the interest on the bonds of the La Crosse, Viroqua and Mineral Point railroad company, for the period of five years, the interest on the said bonds not to exceed the rate of eight (8) per cent. per annum, and the bonds to be issued in amounts as follows, to wit: The city of La Crosse to thus guarantee the payment of, and pay the interest for five years on, two hundred thousand dollars, ($200,000,) the county of Vernon to provide for the interest on one hundred and seventy-five thousand dollars, ($175,000,) the county of Richland to provide for the interest on one hundred and twenty-five thousand dollars, ($125,000,) of the bonds of the said La Crosse, Viroqua and Mineral Point railroad company.

Amounts.

May subscribe to stock of said road.

SECTION 2. The city of La Crosse and the counties aforesaid are hereby authorized and empowered to subscribe for and pay for stock in the La Crosse, Viroqua and Mineral Point railroad company, as follows, to wit: The city of La Crosse ninety thousand dollars, ($90,000,) the county of Vernon sixty thousand dollars, ($60,000,) the county of Richland fifty thousand dollars, ($50,000.)

Amounts.

Payable in five annual installments, and to be applied to payment of interest on bonds.

SECTION 3. The said sums of money shall be paid to the said La Crosse, Viroqua and Mineral Point railroad company in five annual instalments, [installments,] the same to be applied in the payment of interest on the bonds of the said railroad company for the period of five years from the time when the bonds of the said company shall have been issued for the purpose of constructing the said railroad.

How bonds to be issued, and proceeds applied.

SECTION 4. The bonds issued by the La Crosse, Viroqua and Mineral Point railroad company, the in-

terest of which is to be paid by the city and counties aforesaid, shall be issued only when necessary to pay for the construction of the said railroad in sections of ten (10) miles each, and upon the completion of the said respctive sections of ten miles; that is, the grading and laying of the ties and furnishing of the materials necessary for the carrying forward of said work; and the proceeds of the said bonds thus guaranteed by each county, respectively, shall be applied to the construction of such portions of said railroad as may lie in the said counties, respectively: *provided*, that so much of the surplus proceeds of the bonds thus guaranteed by the city of La Crosse, may be expended on such portions of the road as the company may deem advisable.

Proviso.

SECTION 5. The stock so subscribed and paid for, in compliance with the provisions of this act, shall be preferred stock, and shall take the preference of all other stock issued by said railroad company, so far as the payment of dividends on said stock shall be concerned: *provided*, that no dividend to a greater amount than six (6) per cent. upon the same shall be paid upon said stock; and when the surplus earnings of said railroad shall exceed six (6) per cent. upon such preferred stock, the same shall be paid as dividends upon any other stock the said company may issue, until the same shall reach six (6) per cent. upon said stock; then the surplus dividends shall be divided equally upon all the stock of said company.

Stock to be preferred.

Dividends.

SECTION 6. The city of La Crosse and the counties of Vernon and Richland shall, when they have subscribed to the stock provided for in this act, be entitled to one director each in the board of directors of the said railroad company; said directors to be selected by the common council on the part of the city of La Crosse, and by the boards of supervisors of the said counties, respectively, for the said counties.

Said city and counties to be entitled to one director each.

How selected.

SECTION 7. The common council of the city of La Crosse and the boards of supervisors of the said counties of Vernon and Richland, are hereby authorized and required to levy, raise and collect by tax, in addition to any other taxes to be raised in said city and counties, the sums of money annually necessary to pay for the said stock, as provided for in section two of this

Annual tax to pay for stock.

Bonds to be issued before collection of tax.

act: *provided, however*, that no taxes shall be collected to pay on said subscription, until the bonds shall have been issued by said railroad company for which the said city and counties, as aforesaid, have agreed to guarantee and pay the interest thereon.

If said city and counties do not subscribe, any corporation or person may.

SECTION 8. If the said city of La Crosse and counties aforesaid shall refuse or neglect to subscribe to and pay for said stock, as provided in this act, then and in that case any corporation or corporations, person or persons may, at their option, subscribe to and pay for such portions of said stock as shall remain unsubscribed for; and any corporation or corporations, person and persons taking such stock, shall be entitled to all the rights, privileges and immunities conferred upon said city and counties, as aforesaid.

Bonds to state amounts for which said city and counties are liable, &c.

SECTION 9. The bonds issued by the La Crosse, Viroqua and Mineral Point railroad company, the payment of the interest whereof, by the city of La Crosse and the counties aforesaid, as contemplated by this act, shall contain a clause setting forth, on the face of said bonds, the amount, respectively, for which the city of La Crosse and the counties aforesaid are responsible; and in no case shall this act be construed to hold the city and counties aforesaid responsible for the payment of the principal or any part thereof of the bonds of the said railroad company.

Proposition to be submitted to a vote.

SECTION 10. The question of accepting the provisions and conditions of this act, by the said city of La Crosse and counties aforesaid, shall be submitted to the people of said city and counties, respectively, at the next annual town meeting to be holden after the passage of this act; and it shall be the duty of the proper officers of the said city and the several counties, to give notice of the submissions of the said question at the said time, as in other cases, according to law: *provided*, that in case of failure from any cause of the people of the said city and counties, or either of them, to vote upon said question at the time herein mentioned, it shall be submitted to the people of said city and counties at such time or times thereafter as the common council of the said city and boards of supervisors of said counties, respectively, shall prescribe; *and provided, further*, that in case of the rejection of this proposition by the people of said city and counties, it may be resubmitted to them for their acceptance or rejec-

If rejected, may again be submitted.

tion, whenever or as often as the common council of the said city and boards of supervisors of said counties shall deem proper to do so, respectively, during the period of five (5) years from and after the passage of this act, and when so resubmitted, notice thereof shall be given as above provided.

If vote favorable to proposition, obligations to be assumed.

SECTION 11. If the majority of the legal voters of the city of La crosse and the counties aforesaid, or any of them, shall vote "aid to the La Crosse, Viroqua and Mineral Point railroad," as prescribed in section 10 of this act, then the common council of the said city and the boards of supervisors of said counties, respectively, or such of them as shall vote to accept and assume the obligations and conditions of this act, are hereby authorized and required to carry out, on behalf of said city and counties aforesaid, the requirements and objects of this act.

Form of votes, how canvassed, &c.

SECTION 12. The form of ballots to be used for submitting the question to the people of said city and counties, shall be, "for aid to the La Crosse, Viroqua and Mineral Point railroad," and "against aid to the La Crosse, Viroqua and Mineral Point railroad," and the ballots shall be cast in a separate box, and shall be canvassed as all other ballots are at general elections in this state; and all persons who are legal voters under the laws of this state, shall be entitled to vote on this question.

SECTION 13. This act shall take effect from and after its passage.

Approved April 2, 1863.

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## CHAPTER 290.

[*Published April* 24, 1863.]

AN ACT requiring county judges and other officers therein named, to file statements from their dockets in certain cases.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Statements may be filed before first Monday of Nov., 1863.

SECTION 1. County judges, court commissioners and justices of the peace in the several counties of this state, who have failed to comply with section one of

chapter 257 of the general laws of 1862, may, on or before the first Monday in November, A. D. 1863, forward to the clerk of the board of supervisors of their respective counties, a true and correct statement of all actions or proceedings had before them during the year next preceding the first Monday of November, A. D. 1862, wherein the county shall have become liable for the costs, as required by such section one of said act.

Clerks to enter statements.

SECTION 2. The clerk of the board of supervisors shall, immediately upon receipt of such statement, proceed to enter the same at length in a book to be kept by him for that purpose, in his office, as prescribed by section two of said act.

Compensation for returns.

SECTION 3. Every such officer who shall within the prescribed time comply with section one of this act, shall be entitled to receive compensation from the county for services rendered by him in any criminal case or proceeding in which the county shall have become liable for the costs.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1863.

## CHAPTER 291.

[*Published April* 24, 1863.]

AN ACT to authorize the construction of a sewer in the fifth ward of the city of Milwaukee, and to levy a special tax for the same.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Authority to street commissioners.

SECTION 1. The street commissioners of the fifth ward of the city of Milwaukee are hereby authorized to order and cause to be built a good and sufficient sewer in Mineral street, from Clinton street to the east side of Barclay street, in the fifth ward of the city of Milwaukee, without a petition.

Special tax.

SECTION 2. It shall be lawful for the proper officers of said city to assess and levy a special tax upon the lots in the two blocks adjoining that portion of Mineral

street, between Clinton and Barclay streets, in such amounts as may be just and equitable in the judgment of the said street commissioners; such tax to be collected at the same time and in the same manner as other city taxes are collected.

Ward may not pay whole expense.

SECTION 3. If in the opinion of the said street commissioners it should seem unjust to charge the whole expense of said sewer to the lots aforesaid, it shall be lawful for them to say what proportion of the cost of the same shall be paid by the fifth ward.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1863.

## CHAPTER 292.

[*Published April* 11, 1863.]

AN ACT to amend section 21 of chapter 22 of the general laws of 1859, entitled "an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Certificate of redemption.

SECTION 1. Section twenty-one of chapter twenty-two of the general laws of 1859, as amended by section three of chapter fifty-six of the general laws of 1860, is hereby amended, so as to read as follows: "Section 21. Upon the redemption of any lands sold for taxes, by payment to the clerk of the board of supervisors, such clerk shall execute to the person so redeeming a receipt, specifying therein the name of the purchaser, the land redeemed, and the amount of the redemption money paid on each parcel, separately, and also, in distinct items, the whole amount of penalties and advertising fees on the parcels embraced therein, and his fees for said receipt; and such clerk shall also enter on the sale list kept by him, the name of the person redeeming, the sum paid therefor by him, (exclusive of fees, as aforesaid,) and the time when paid, which receipt, before it shall be evidence of such redemption, shall be presented to the treasurer of the same county,

Duty of clerk and treasurer.

and countersigned by him; and said treasurer shall also make a similar entry in the sale list kept by him, with that above required to be made by such clerk, and before said receipt shall be delivered to the person so redeeming: *provided, however*, that the clerk of the county board shall not be required to include in the same receipt of redemption lands sold in different years, nor more than six distinct descriptions of lands sold in the same year, except in case of redemption of city or village lots, in which case he may be required to insert such number of lots or parcels sold in the same year, not exceeding twenty, as the person redeeming may require."

Certificates to include taxes of one year only—descriptions to be contained in each.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1863.

## CHAPTER 293.

[*Published April* 11, 1863.]

AN ACT to provide for a final settlement of all claims of Carpenter and Hyer, assignees of James Ross, against the state of Wisconsin.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation in full satisfaction of claims of Carpenter & Hyer.

SECTION 1. There is hereby appropiated [appropriated] to Carpenter and Hyer, assignees of James Ross, out of any moneys in the state treasury not otherwise appropiated, [appropriated,] the sum of five thousand dollars, in full for all claims of whatever kind growing out of the contract for public printing with James Ross, for the years 1859 and 1860, and also in full for all claims for court fees and costs mentioned in the stipulations of Carpenter and Hyer and James Ross, with the secretary of state, made in 1860, and also in full for all claims for damages claimed or to be claimed on account of the rejection of any bid or bids for the public printing, rejected by the printing commissioners in 1858, and in full for all claims of every kind, name or nature, actual or imaginable, legal, equitable or oth-

erwise, which said Carpenter and Hyer, or which any or all of the individual members of said firm, have, or claim to have, or can claim to have, against the state prior to the passage of this bill, [act,] excepting only the balance provided to be paid by assembly bill number two hundred and nine-ty of [the] present session.

Release to be executed.

SECTION 2. Before any money shall be drawn from the state treasury in pursuance of this act, the said Carpenter and Hyer, and the several members of said firm of Carpenter and Hyer, as individuals, shall execute and deliver to the commissioners for letting the public printing, in form and substance satisfactory to such commissioners, a release or releases of all claims, legal or equitable, which the said Carpenter and Hyer, as assignees or otherwise, or which the several members of said firm of Carpenter and Hyer, as individuals, have, or claim to have, against the state, under any contract for doing the public printing, or according to any stipulations made with the secretary of state, as a basis of any settlement, and also of all claims which either said firm or individuals have, or claim to have, legal or equitable, or otherwise, against the state for damages under any rejected bids for the public printing, or in any manner growing out of any contract for doing any public printing, including all claims for counsel fees, and costs and expenses, or for anything whatever excepting the balance in the preceding section mentioned; and shall further make, execute and deliver to such commissioners an affidavit or affidavits, to the effect that in the claims which they have or ever had in any manner growing out of contracts for doing any public printing, no person or persons except themselves, at the time of delivering such affidavits, have any interest whatever.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1863.

## CHAPTER 294.

[*Published April* 24, 1863.]

AN ACT for the relief of Carpenter and Hyer.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Bond may be canceled.

SECTION 1. The commissioners of public printing are hereby directed to cancel the bond and contract for the state printing, between Carpenter and Hyer and the state, dated August 25th, 1862, the said contract having been rescinded by chapter thirty-six of the general laws of 1863: *provided*, that the secretary of state shall audit all bills for work done and not already audited, at rates strictly in accordance with the terms of said contract.

Auditing of bills for work done.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1863.

## CHAPTER 295.

[*Published April* 24, 1863.]

AN ACT to provide for the collection of subscriptions made to pay bounties to volunteers, and subscriptions to support families of volunteers.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Town treasurer may bring actions to enforce payment of bounty subscriptions.

SECTION 1. The town treasurer of any town in this state, is hereby authorized and empowered to commence and maintain actions in any court of competent jurisdiction, to enforce the payment of subscriptions made to pay bounties to volunteers, raised in his town, for the military service of this state or of the United States, or subscriptions to support the families of such volunteers, whether such subscriptions are made payable to the volunteers or families, or to the supervisors or any committee or person or persons, for the use and benefit of such volunteers or families, or whether such sub-

scriptions omit the [to] name or designate any officer, committee or person to whom payment is to be made. Such action shall be brought in the following form: "A—— B——, as treasurer of the town of ———, against C—— D——;" and the same may be prosecuted to judgment in like manner and with like effect as other civil actions. Form of actions.

SECTION 2. In case the town treasurer of any town shall fail or refuse to commence and prosecute any such action, any person interested in the collection of any such subscription may commence or prosecute such action in the name of such treasurer; and in such case the treasurer so failing or refusing to commence or carry on such action, shall not be allowed or permitted to interfere with or control the same in any respect, nor to receive the moneys paid in by or collected from the defendant. If treasurer refuse to prosecute, any person interested may.

SECTION 3. No such action shall abate by reason of the death, resignation or expiration of the term of office of such treasurer; but the same shall continue to final judgment, and the judgment shall be enforced in the name of the original plaintiff; and no town treasurer or other person prosecuting any such action in good faith, shall be personally liable for the costs thereof. Death, &c., not to abate action.

SECTION 4. All moneys received or recovered in any such action, exclusive of costs, shall be applied by the officer or person prosecuting the action, to the object or purpose specified in the subscription paper on which the action is brought; and every officer or person so receiving such moneys, and failing or refusing to faithfully apply the same to the proper object or purpose, as aforesaid, shall be deemed and held to be guilty of embezzlement, and shall be subject to punishment therefor, in like manner and extent as in other cases of embezzlement. How moneys recovered to be applied. Penalty.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1863.

## CHAPTER 296.

[*Published April* 24, 1863.]

AN ACT to authorize certain towns to maintain certain plankroads and turnpike roads therein, and demand and receive toll for travel thereon.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Certain towns authorized to raise taxes for repair, &c. of plank and other roads.

SECTION 1. It shall be lawful for the qualified electors of the towns of Taycheedah and Calumet, in the county of Fond du Lac, at their annual town meeting, in any year, or at any special town meeting held pursuant to notice, to vote a tax upon the taxable property of each town, respectively, for the purpose of repairing and maintaining any plankroad or turnpike road situated in said town, the charter of which has expired by limitation of law, and the maintenance of which has been abandoned by its original owners or their assignees; and such tax, when so voted, shall be levied and collected in the same manner as other town taxes are collected: *provided*, that neither of said towns shall raise more than fifteen hundred dollars in any one year for the purpose aforesaid.

Limit to tax.

Application of moneys.

SECTION 2. All money raised in accordance with the provisions of section one of this act, shall be especially applied to the purpose for which it is raised, and shall be paid out upon the order of the supervisors, signed by their chairman, and attested by the town clerk of the proper town.

May collect toll, &c.

SECTION 3. Whenever said towns shall have made such plankroad or turnpike road secure and smooth, as provided in sections twenty-five and twenty-six of chapter sixty-nine of the revised statutes, the supervisors thereof may erect and maintain one or more toll gates upon such road, and thereat demand and receive toll, at the rate and in the manner provided by section twenty-seven of chapter sixty-nine of the revised statutes, and may continue to demand and receive toll as long as such road shall be maintained secure and smooth; and such toll, when so received, shall be paid into the town treasury of the proper town, and be subject to the payment of the contingent expenses of such town.

SECTION 4. In case the said towns, or either of them, shall avail themselves of the provisions of this act, such town shall have all the privileges and be subject to all the liabilities granted to and imposed upon a corporation formed under the provisions of chapter sixty-nine of the revised statutes, so far as the same can be made applicable; and the supervisors of such town or towns, respectively, shall be deemed, and are hereby constituted, a board of directors to manage the business of such plankroad or turnpike road, as the case may be, capable of suing and being sued, and maintaining actions at law in the same manner as any other plankroad or turnpike road corporation may do, by virtue of any law of this state.

Privileges and liabilities.

Boards of directors.

SECTION 5. The said towns of Taycheedah and Calumet are hereby authorized to take possession of any and all plankroads and turnpike roads in such towns, respectively, the charter whereof has expired by limitation of law, and the proper maintenance and repair of which shall be abandoned or neglected by the owner or owners thereof, and improve and maintain the same, as provided in this act.

May take possession of roads, the charters of which have expired.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved April 2, 1863.

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## CHAPTER 297.

[*Published April* 11, 1863.]

AN ACT to repeal chapter 60 of the general laws of 1861, entitled "an act to amend chapter 122 of the revised statutes, entitled 'of the forms of civil actions, and parties thereto.'"

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter sixty of the general laws of 1861, entitled "an act to amend chapter one hundred and twenty-two of the revised statutes, entitled 'of the forms of civil actions, and parties thereto,'" is hereby repealed.

Repeal.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1863.

## CHAPTER 298.

[*Published April* 24, 1863.]

AN ACT to construct a race from White river to Fox river.

(*See supplement to local laws.*)

## CHAPTER 299.

[*Published April* 24, 1863.]

AN ACT relating to the foreclosure of mortgages on real estate.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Twenty days to answer complaint.

SECTION 1. In all actions hereafter commenced for the foreclosure of mortgages on real estate, the defendant or defendants shall have twenty days' time in which to answer the complaint, after the service of the summons, without regard to the time when the mortgage was executed.

Notice of sale to be published six weeks.

SECTION 2. The officer or person whose duty it shall be to sell any mortgaged premises by virtue of any judgment or order obtained in any court within this state, shall give notice of the time and place of such sale, by causing a notice thereof to be previously printed for six weeks, successively, once in each week, in a newspaper published in the county in which the lands are to be sold, if there be one, and if there be no newspaper published in said county, then such notice shall be so published in some newspaper published in an adjoining county, and notice of such sale shall be given in such further manner as the court shall, in its discretion, in the judgment or decree direct.

SECTION 3. Sales of mortgaged premises, by virtue any judgment or order obtained before this act takes effect, may be made in accordance with the provisions of this act, or in accordance with the provisions of laws now in force. How sales to be made.

SECTION 4. Chapter two hundred and twenty of the general laws of the year eighteen hundred and fifty-nine, and all other laws, so far as they contravene the provisions of this act, are hereby repealed. Repeal.

Approved April 2, 1863.

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## CHAPTER 300.

[*Published April* 24, 1863.]

AN ACT to facilitate the confirmation of sales of mortgaged premises, in certain cases.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. In all actions for the foreclosure of a mortgage upon real estate, wherein a sale of the mortgaged premises shall be held and made by any sheriff, and a deed or a certificate of sale of the mortgaged premises shall be executed by said sheriff to the purchaser thereof, if the sheriff making such sale shall die without making a report of such sale, such report of sale may be made by the plaintiff, his agent or attorney, under oath; and upon filing such report of sale, duly verified, the court shall make an order confirming such sale and report in the same manner and with the same effect as though said report of sale had been made by the sheriff who made such sale. If sheriff die, report of sale may be made by plaintiff, his agent or attorney. Confirmation of sale.

SECTION 2. In all actions heretofore brought for the foreclosure of a mortgage upon real estate, wherein a sale of the mortgaged premises shall have been heretofore made by any sheriff, and a deed or certificate of sale of the mortgaged premises shall have been heretofore executed by any sheriff to the purchaser thereof, and said sheriff shall have died without having made a report of such sale, such report of sale may be made by the plaintiff, his agent or attorney under oath; and upon filing In actions heretofore brought, reports may be made and sales confirmed as above.

such report of sale, duly verified, the court shall make an order confirming such sale and report in the same manner and with the same effect as though said report of sale had been made by the sheriff who made such sale.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1863.

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## CHAPTER 301.

[*Published April* 20, 1863.]

AN ACT relating to fees in certain cases.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Fees of officer making sale of mortgaged premises.

SECTION 1. In all cases where the amount for which mortgaged premices [premises] are sold, shall exceed the sum of fifty thousand dollars, the sheriss [sheriff] or other officer executing the judgment directing the sale, shall be allowed one per centum upon such excess, in addition to the fees allowed by section four of chapter one hundred and thirty-three of the revised statutes: *provided*, that the whole amount of fees which the sheriff or other officer shall be entitled to receive on any one sale of mortgaged premises, shall not exceed the sum of one thousand dollars.

Limit to fees.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1863.

## CHAPTER 302.

[*Published April* 24, 1863.]

AN ACT to amend section 217 of chapter 120 of the revised statutes, entitled "of courts held by justices of the peace."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

When appeals may be tried as original cases.

SECTION 1. Section two hundred and seventeen of chapter one hundred and twenty of the revised statutes, is hereby amended, by adding thereto, after the words "brought there," in the twelfth line thereof, the following: "And in case the judgment is rendered in favor of the plaintiff for a sum less than fifteen dollars, exclusive of costs, and the defendant shall have appealed, if the plaintiff shall make an affidavit that he has a valid claim against the defendant exceeding the sum of fifteen dollars, as set forth in his complaint, and shall file the same with the clerk of the court in which such appeal may be pending, and serve a copy thereof on the defendant or his attorney, eight days prior to the term at which the appeal may be tried, the action shall be tried in the appellate court as cases originally brought there."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1863.

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## CHAPTER 303.

[*Published April* 11, 1863.]

AN ACT to amend section 12 of chapter one hundred and fifty-one of the revised statutes, entitled "of forcible entry and unlawful detainer."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Proceedings against lessee holding over, not paying rent, &c.

SECTION 1. Section twelve of chapter one hundred and fifty-one of the revised statutes, is hereby amended, so as to read as follows: "When any person shall

hold over any lands, tenements or other possessions, after the determination of the time for which they are demised or let to him or her, or to the person under whom he or she holds possession, or contrary to the conditions or covenants of the lease or agreements under which he or she holds, or after any rent shall have become due according to the terms of such lease or agreement, and shall remain unpaid for the space of three days, in all such cases, if the lessor, his heirs, executors, administrators, assigns or attorney shall make demand in writing of such tenant, or, in case he or she cannot be found in the county, then upon any member of his family, of suitable age and discretion, that he or she shall deliver possession of the premises held as aforesaid, and if such tenant shall refuse or neglect, for the space of three days after such demand, to quit the possession of such lands or tenements, or to pay the rent therefor, so due and unpaid, as aforesaid, upon complaint thereof to any justice of the peace of the proper county, the justice shall proceed to hear, try and determine the same in the same manner as in other cases hereinbefore provided for: *provided*, that in all cases mentioned in this section, the justice shall impose no fine upon such tenant."

SECTION 2. This act shall be in force from and after its passage.

Approved April 2, 1863.

## CHAPTER 304.

[*Published April* 4, 1863.]

AN ACT to amend an act entitled "an act to create the municipal court of the city and town of Ripon," approved April 15th, 1861.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Suit tax—when to be paid.

SECTION 1. In all actions hereafter commenced in the municipal court of the city and town of Ripon, the summons and complaint shall be filed with the clerk of said court, and the tax of one dollar paid within ten

days after the service of the summons in such action, and in default thereof such action shall be dismissed on special motion; but the court shall have power to retain the same upon payment of the costs of the motion, and such other terms as in its discretion may be just.

Jurisdiction of court extended.

SECTION 2. The said municipal court, in addition to the jurisdiction now conferred by law upon it, shall have cognizance of all actions wherein the damages claimed or sum demanded shall not be less than fifty dollars; and in all actions in said court, if the plaintiff recovers fifty dollars or over, he shall recover costs at the rate provided by law; but if he recovers less than fifty dollars, and in all other cases where by law the defendant is now entitled to costs, the defendant shall recover costs: *provided*, that in all actions in said court when judgment by default shall be rendered for a sum less than one hundred dollars, the attorneys' fees therein shall not exceed the sum of five dollars, and the clerk's fees in the same, the sum of two dollars.

Costs.

Attorney fees.

Change of venue, fees of judge and clerk, costs, &c.

SECTION 3. The venue in all actions commenced in said municipal court, may be charged in the same manner as actions in the circuit court: *provided*, that in no case shall the place of trial be changed except upon payment of the fees of the judge and clerk of said court; *and provided, further*, that in the event of a change of venue of any action commenced in said municipal court, the plaintiff shall recover the same costs on the trial as he might have recovered had the place of trial not been changed, and the action had proceeded to judgment in said municipal court.

Clerk of city to be *ex officio* clerk of court.

SECTION 4. So much of the act constituting the said municipal court, and to which this act is amendatory, as relates to the election of a clerk of said court, is hereby repealed; and from and after the first Tuesday in April next, the clerk of the city of Ripon shall be the clerk of said municipal court *ex officio*, and shall possess all of the powers and perform all of the duties now possessed by and required of the clerk of said court, by virtue of the said act to which this is amendatory. The clerk of said city shall, before entering upon the duties of the office of clerk of said court, take and file the oath now prescribed by law, and shall also execute and file the bond now required by said clerk, to be approved in the same manner.

Oath and bond of clerk.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1868.

## CHAPTER 305.

[*Published April* 28, 1868.]

AN ACT concerning proceedings in court in certain cases.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Actions to cancel mortgages.

SECTION 1. Actions may be brought in the circuit courts of the proper counties to quiet the title of real estate, or to cancel mortgages or other titles to real estate, or to discharge the same of record, and to declare the obligations which they they may purport to secure, illegal, invalid, inoperative, void or satisfied.

How brought.

Such actions may be brought by the maker of such mortgage or other title, or by his legal representatives having an interest in the premises covered by such mortgage or other title.

If holder not known, may proceed as against unknown persons.

And when any such mortgage or other title or obligation has been assigned or transferred, and the assignee or holder thereof shall be unknown to the plaintiff, such plaintiff my [may] proceed against the unknown assignee or holder of such mortgage or other title or obligation, as against "persons unknown;"

Service of summons.

and in all such cases, service of the summons shall be made on such unknown assignee or holder of such mortgage or other title or obligation, by publication, in the manner now provided by law, and on the mortgagee, assignee or other grantee or claimant of record, service of the summons shall be made in the manner now provided by law.

How actions prosecuted.

SECTION 2. Such actions shall be commenced and prosecuted in the same manner as now provided by law for civil actions, except as herein otherwise prescribed.

Affidavit of assignment to unknown person, and service of summons by publication.

SECTION 3. Whenever in any such action the plaintiff, [plaintiff,] or his agent or attorney, shall make and present to the judge of the circuit court in which such action is pending, or to a court commissioner, his affidavit, stating that he has good reason to believe that

such mortgage or other title, or such obligation, has been assigned or transferred, and that the plantiff [plaintiff] does not know, or that he has no information sufficient to form a belief to whom such mortgage or other title and such obligation was assigned or transferred, or who holds the same, such judge or court commissioner shall order service of the summons on such unknown assignee or holder to be made by publication, in the manner now provided by law, and shall be substantially in the form following:

Form.

"In circuit [court,] state of Wisconsin, county of —.

"Name of plaintiff
against
Name of known defendant,
and persons unknown, defendants.

"The state of Wisconsin to the unknown assignees or holders of a certain mortgage, (or other title,) and the obligation it professes to secure, (as the case may be,) on (or to) real estate, executed by —— ——— to —— ———, and bearing date the —— day of ——, A. D. 18—.

"You are hereby summoned to appear and answer the complaint in this action, which is on file in the office of the clerk of the circuit court in and for said county of ———, and serve a copy of your answer on the subscriber, at his office in the ——, (here insert the town, villiage [village] or city,) within ninety days after the service hereof; and if you fail to answer the complaint within the time aforesaid, the plaintiff will apply to the court for the relief demanded in the complaint.

"Dated this —— day of ———, A. D. 18—.

"——, ———, name of plaintiff.

"—— ———, plaintiff's attorney."

How court to proceed.

SECTION 4. The publication of the summons, as required in this act, shall be equivolent [equivalent] to personal service of the same on such unknown defendants; and on proof, by the affidavit of the printer or his foreman or principal bookkeeper, of such publication, being filed in the office of the clerk of the court in which such action is pending, and the time for answering having expired, and no appearance made for such defendants, the court shall proceed with the action in all respects as though the same had been against

the assignees or transferees and holders of the mortgage or other title, and the obligation purporting to have been thereby secured, by their proper names, and the summons personally served on them.

Action may be tried by jury.

SECTION 5. Upon the trial of any such action, and when demanded in writing by either party, a jury shall be summoned, empannelled [empanneled] and sworn to try the same. Such jury shall render a special verdict, and no such verdict shall be set aside for informality, but any defect or error of form in such verdict may be corrected by the judge before the jury are discharged.

If it appear by verdict that mortgage was obtained fraudulently, or under false pretenses, court shall order it void, and to be canceled.

SECTION 6. Whenever it shall appear on the trial of such action, or by the verdict of a jury, if tried by a jury, that the complaint is true, and that the mortgage or other title, or the obligation it may purport to secure, was obtained fraudulently, or by or under false pretenses, or that the plaintiff or the person through whom he claims was induced to execute such mortgage or other title, or such obligation, by false and fraudulent representations relative to the consideration for which the same was executed, or that such consideration has failed, or that such mortgage or other title, or such alleged obligation, has ceased to operate or has been satisfied, the court shall, by its judgment, order, decree and adjudge that such mortgage or other title be null and void, and that the same be canceled, released and discharged of record; and may also order, decree and adjudge the obligation such mortgage or other title purports to secure, illegal, invalid, inoperative or satisfied, and may grant such other further relief as may be deemed equitable. In case the unknown assignee or holder of such mortgage or other title or obligation shall not have appeared in the action, such judgment shall have the same force and effect as judgments against absent defendants, and shall be as effectual to bind and bar them as if the action had been against them by their proper names.

Judgment effectual, if defendant do not appear.

Cancellation of mortgage.

SECTION 7. Whenever a copy of the judgment of the court, duly certified by the clerk of the court, shall be deposited in the office of the register of deeds where such mortgage or other title is recorded, showing that such mortgage or other title is adjudged by the court to be null and void, and that the same be canceled, released and discharged of record, it shall be the duty

of such register of deeds to record such judgment in a book of deeds, and immediately cancel and discharge of record such mortgage or other title, by wr ting on the margin of the record thereof as follows: "Canceled and discharged of record, by order of the court," and adding thereto the number of the volume in and page on which such judgment is recorded. And the register shall be entitled to receive such fees therefor as he is now by law allowed for similar services.

Appeal to be perfected within six months.

SECTION 8. Whenever judgment shall have been rendered in any action commenced under the provisions of this act, in any of the circuit courts of this state, and any party thereto desires to appeal there from, such appeal shall be taken and perfected in the manner provided by law, within six months from the date of the entry of such judgment, and not thereafter.

The facts of the case, if tried by a jury, to be conclusive.

SECTION 9. In case of appeal under the provisions of this act, where the action was tried by the court and a jury, the supreme court may review all questions of law presented by the record or the bill of exceptions, but the verdict of the jury shall be conclusive as to the facts in the case.

Evidence.

SECTION 10. Any evidence that might have been offered on the triall [trial] of such action by the maker of such mortgage or other title, or of the obligation purporting to be secured by the same, may be offered by any and all persons having any interest in the land or any part thereof, covered or affected by such mortgage or other title.

Order for written evidence in possession of railroads.

SECTION 11. Whenever the plaintiff, or his agent or attorney, shall present to the judge of the court in which such action is pending, or to a court commissioner, his affidavit, stating that certain written evidence necessary on the trial of such action is in the possession or under the control of any railroad company of this state, or of any person or persons managing, controlling, administering or operating the property of [or] franchises, or both, of such railroad company, specifying, in substance, the nature of such written evidence, and the facts intended to be proven thereby, such judge or court commissioner shall issue an order to such railroad company, or to such person or persons so managing, controlling, administering or operating the property or franchises, or both, of such railroad company, commanding the same to produce such written

How order to be served.

evidence on the trial of such action; and such order shall be served on such railroad company, or their proper representatives, in the manner now provided by law, at least ten days before the first day of the term at which such action is to be tried. On failure to produce such evidence on the trial, the complaint of the plaintiff in the action shall be taken and held to be true, and stand confessed as to such railroad company: *provided*, such railroad company is a party to the action, and have such evidence in their possession or under their control.

If evidence not produced, complaint to be deemed true.

Sale of mortgaged premises may be stayed until action shall be determined.

SECTION 12. If the holder of any such mortgage shall advertise the mortgaged premises for sale, by virtue of the power to sell contained in such mortgage, or by virtue of any law of this state authorizing the foreclosure of mortgages by advertisement, and the mortgagor or any person interested in the mortgaged premises, or any part thereof, shall have filed his complaint and commenced an action under the provisions of this act, against the holder thereof, and shall state in the complaint, verified by his affidavit, that such mortgaged premises are advertised for sale, the judge of the court in which such action is brought, or a court commissioner, shall issue an order enjoining such sale until the action so commenced shall have been tried, heard and determined in the manner prescribed in this act. And if the mortgaged premises shall have been sold before the commencement of such action, or before the issuing of such injunctional order, and the time to redeem shall not have expired, and the plaintiff in such action shall present to the judge or a court commissioner his affidavit, stating the fact of such sale, and that the time to redeem had not yet expired, such judge or court commissioner shall issue an order enjoining all further proceedings under such sale until the final determination of such action; and if such action be finally determined in favor of the plaintiff, the court shall adjudge such sale null and void, and if such action be finally determined in favor of the defendant, the unexpired term to redeem shall be deemed to commence from the day of the final determination of such action.

If premises shall have been sold, and time to redeem has not expired, further proceedings may be enjoined.

Final determination.

No criminal prosecution against witnesses.

SECTION 13. No witness called in any action authorized by this act, shall be excused from answering any question material to the issue, but his testimony

shall never be used against him in any criminal prosecution or trial.

SECTION 14. All costs and fees of any kind or nature whatever, necessarily incurred in the prosecution or defense of any action under the provisions of this act, except state tax and internal revenue dues, shall abide the event of the action, any law to the contrary notwithstanding. Costs and fees.

SECTION 15. All actions commenced under the provisions of this act, must be tried in the county where the real estate covered by such mortgage or other title, or a part thereof, is situated, or where the maker of the mortgage or other title, or of the obligation pretended to be thereby secured, or his or her legal representatives, reside: *provided*, that a change of venue may be granted in the manner and for the reasons now provided by law. Actions to be tried in counties where premises are situated. Change of venue.

SECTION 16. All provisions of law in this state inconsistent with the provisions of this act, are hereby declared inoperative for the purpose of this act. Inoperative.

SECTION 17. This act shall take effect and be in force from and after its passage and publication: *provided, however*, that the provisions of this act shall apply only to such mortgages and obligations given to railroad companies for subscriptions for their capital stock. Only applicable to railroad mortgages.

Approved April 2, 1863.

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## CHAPTER 306.

[*Published May* 11, 1863.]

AN ACT to incorporate the Penokee iron, mining and railroad company.

(*See supplement to local laws.*)

## CHAPTER 307.

[*Published April* 27, 1863.]

AN ACT to incorporate the Appleton, St. Croix river and Superior railroad company.

(*See supplement to local laws.*)

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## CHAPTER 308.

[*Published May* 1, 1863.]

AN ACT to incorporate the Oconto pier and plankroad company.

(*See supplement to local laws.*)

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## CHAPTER 309.

[*Published May* 5. 1863.]

AN ACT to incorporate the Milwaukee, Winnebago and St. Paul railroad company.

(*See supplement to local laws.*)

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## CHAPTER 310.

[*Published March* 5, 1863.]

AN ACT to amend chapter 170 of the private and local laws of the year 1854, entitled "an act to incorporate the Depere company," approved March 23, 1854.

(*See supplement to local laws.*)

## CHAPTER 311.

[*Published March* 5, 1868.]

AN ACT to amend section twelve of chapter one hundred of the private and local laws of 1862, entitled "an act to incorporate the Apple river boom company."

(*See supplement to local laws.*)

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## CHAPTER 312.

[*Published March* 28, 1868.]

AN ACT to amend chapter 78 of the private and local laws of 1862, entitled "an act to authorize the construction of a bridge across Fox river, between Green Bay and Fort Howard."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amendment.

SECTION 1. The said chapter 78 of the private and local laws of the year 1862, is hereby amended, by striking out the word "Doty" wherever it occurs in said act, and by inserting in lieu thereof the word "Walnut." The city council of said city of Green Bay shall have power, if they shall deem it necessary, to provide for the payment of a portion of the expense of building the bridge mentioned in the said act, by laying a tax upon all the taxable real and personal property in said city, to any amount not exceeding ten thousand dollars; the remainder of such expense to be paid in bonds to be issued under and in accordance with the provisions of the act hereby amended. The said tax shall be levied and collected at the same time and in the same manner as city taxes are annually levied and collected in said city, except that the said tax shall be carried out upon the tax roll in a separate column, to be headed "bridge tax," and said tax shall be payable in money only. The levy of the tax provided for by this section, shall be made within the same year in which the contract for building said bridge shall be

Council authorized to levy tax to aid in building bridge.

When to be collected.

let, unless the letting of the contract shall take place after the time for levying the annual taxes for state, county and corporate purposes, in which case said levy shall be made with the next levy of general taxes for city, county and state purposes.

Treasurer to give bonds and collect tax.

SECTION 2. The city treasurer of said city shall, when required by the city council of Green Bay, give bonds to the city of Green Bay in such sum as the said city council may require, conditioned for the faithful performance of his duty in collecting all the taxes which shall be levied under said act, as hereby amended, and for the safe keeping and the disbursement thereof, according to the order or orders of said city council; and it is hereby made the duty of said city treasurer, and he shall have power to collect said taxes in the same manner in all respects as other city taxes are collected; and upon non-payment thereof, to proceed in like manner to enforce collections and to advertise and sell real estate, as for general taxes for state, city and county purposes. The said treasurer shall also keep the money so collected by him as a separate fund, to be called the bridge fund.

Powers conferred by this act, not diminished by any ordinance heretofore passed, &c.

SECTION 3. None of the powers conferred by said act shall be deemed to have been exhausted or in any manner diminished by any ordinance or resolution of the city council of said city, heretofore passed, or by any act of the said city, or of any of its officers, or by any vote of the people of said city, under said act or under such ordinance or resolution; but the said city may proceed to execute the powers conferred by said act, as hereby amended, and to carry out the objects of the same, either by amending or repealing any ordinance already passed, or hereafter to be passed, by enacting such new ordinance or ordinances, rules or regulations as may be deemed proper by the said city council, or in such other manner as the said city council shall decide.

Bridge may be built by Green Bay.

SECTION 4. Nothing in the act hereby amended, which relates to the borough of Fort Howard, shall ever be so construed as to prevent the city of Green Bay, the city council thereof, or any of its officers, agents or contractors, from building the said bridge, or from performing any act or thing whatsoever, necessary or proper under said act, as hereby amended, to the execution and completion of said bridge, and to the providing of the means to pay therefor.

SECTION 5. No private property shall be taken for said bridge, or for the use thereof, by the public, against the consent of the owner, without the necessity for taking such property being first established by the verdict of a jury of twelve good and lawful men of Brown county, qualified to serve as petit jurors in the circuit court of this state, but who are not residents or freeholders in the city of Green Bay or borough of Fort Howard. Said jury shall be summoned in such manner and at such time and place, and upon such reasonable notice to parties interested, as shall be determined upon by the city council of said city of Green Bay. When summoned and attending, the said jury shall be sworn before an officer authorized to administer oaths, well and truly [to] hear, try and determine whether or not there shall be a necessity for taking any and what private property for the said bridge, and for the public use thereof, and whether said bridge would be for the public use and benefit. The verdict of said jury shall be in writing, signed by the said jury, and shall be filed in the office [offices] of the clerk of the circuit court and register of deeds of said county.

How private property for use of bridge may be taken.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved February 5, 1863.

## CHAPTER 313.

[*Published April* 28, 1863.]

AN ACT for the reorganization of the Greenwood cemetery association.

(*See supplement to local laws.*)

## CHAPTER 314.

[*Published March* 5, 1863.]

AN ACT to authorize James P. Hall to build and maintain a toll bridge across Black river, in this state.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Authority to build bridge.

SECTION 1. James P. Hall is hereby authorized and empowered to construct and maintain a toll bridge across Black river, in this state, at or near the head of the falls in said Black river, at the village of Black River Falls, in the county of Jackson: *provided*, that the said James P. Hall shall purchase from the owner or owners of lands adjacent to said river, at the place aforesaid, the right and privilege of locating and building the bridge at the said place hereinbefore mentioned.

Proviso.

To be kept in good repair, &c.

SECTION 2. Said bridge shall be kept and maintained in good repair and in safe condition, to accommodate the wants of the traveling public for and during the term of fifteen years from and after the publication of this act, and shall be so constructed and maintained at all times, (*so*) as not in any manner to obstruct or impede the navigation of said Black river.

When bridge to be completed.

SECTION 3. The said James P. Hall shall, within one year from and after the passage of this act, fully complete said bridge; otherwise, he shall forfeit all rights which he may or shall have under or by virtue of the provisions of this act.

Tariff.

SECTION 4. No greater rates of toll shall be charged for the crossing of said bridge, than the following: For each two horse or ox team, ten cents each; for each single horse team, five cents; for each head of cattle, horses, mules, swine and sheep, three cents. No toll shall be charged for the passage of any person over said bridge on foot.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved February 27, 1863.

## CHAPTER 315.

[*Published April* 28, 1863.]

AN ACT to incorporate the Hartford hook and ladder company, at Hartford, in the county of Washington.

(*See supplement to local laws.*)

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## CHAPTER 316.

[*Published March* 17, 1863.]

AN ACT to authorize the City bank of Kenosha to reduce its capital stock.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The City bank of Kenosha, at Kenosha, is hereby authorized to reduce its capital stock to the sum of thirty-five thousand dollars, upon filing with the bank comptroller a certificate from the secretary of state, that said bank has complied with the requirements of subdivision thirteen of an act to amend chapter four hundred and seventy-nine of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15, 1858, and setting forth in said certificate the amount to which such capital stock is to be reduced: *provided*, that said bank shall not be allowed to reduce its capital stock to an amount less than its circulating notes outstanding at the time of the filing of the certificate required in this section, and said bank shall be required to pay to the state treasurer all taxes due to the state on the full amount of its capital up to and including the day on which such certificate is filed with the bank comptroller.

Capital stock may be reduced.

Proviso.

SECTION 2. The president and cashier of the said bank named in section one of this act, shall file in the office of the register of deeds in the county where said bank is located, a certificate under oath, stating the sum to which the capital stock of said bank is reduced.

Certificate to be filed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 18, 1863.

## CHAPTER 317.

[*Published April* 28, 1863.]

AN ACT to amend an act entitled "an act to incorporate the Milwaukee gas-light company.

(*See supplement to local laws.*)

## CHAPTER 318.

[*Published April* 28, 1863.]

AN ACT to amend chapter 182 of the private and local laws (*A. D.*) 1857, entitled "an act to incorporate the Milwaukee city hotel company."

(*See supplement to local laws.*)

## CHAPTER 319.

[*Published April* 29, 1863.]

AN ACT to incorporate the La Crosse gas-light company.

(*See supplement to local laws.*)

## CHAPTER 320.

[*Published April* 28, 1863.]

AN ACT to amend an act entitled "an act to incorporate the Wildwood cemetery association," approved March 10th, 1855.

(*See supplement to local laws.*)

## CHAPTER 321.

[*Published April* 28, 1863.]

AN ACT to authorize and empower M. Smith to build and maintain a dock and pier extending into Green Bay.

(*See supplement to local laws.*)

## CHAPTER 322.

[*Published May* 1, 1863.]

AN ACT to incorporate the Portage "Leider Kranz society."

(*See supplement to local laws.*)

## CHAPTER 323.

[*Published April* 29, 1863.]

AN ACT to amend chapter one hundred and twenty-nine of the private and local laws of 1857, entitled "an act to incorporate the Mutual life insurance company of the state of Wisconsin."

(*See supplement to local laws.*)

## CHAPTER 324.

[*Published May* 2, 1863.]

AN ACT to amend chapter 18 of the private and local laws of 1860, entitled "an act to amend chapter 268 of the private and local laws of 1857, entitled 'an act to incorporate the Muscoda and Richland bridge company,'" and to extend the time for the completion of said bridge.

(*See supplement to local laws.*)

## CHAPTER 325.

[*Published May* 2, 1863.]

AN ACT to incorporate the Baraboo collegiate institute.

(*See supplement to local laws.*)

## CHAPTER 326.

[*Published May* 4, 1863.]

AN ACT granting to William Hughes the right to keep and maintain a ferry across the Wisconsin river, in the county of Juneau.

(*See supplement to local laws.*)

## CHAPTER 327.

[*Published May* 2, 1863.]

AN ACT to authorize the erecting, keeping and maintaining [of] a dam across Honey creek.

(*See supplement to local laws.*)

## CHAPTER 328.

[*Published May* 2, 1868.]

AN ACT to authorize D. W. Montgomery to keep and maintain a ferry across the Mississippi river.

(*See supplement to local laws.*)

## CHAPTER 329.

[*Published May* 2, 1868.]

AN ACT to amend chapter 213 of the private and local laws of 1859, entitled "an act to amend chapter 394 of the laws of 1851, entitled 'an act to incorporate the Madison mutual insurance company.'"

(*See supplement to local laws.*)

## CHAPTER 330.

[*Published May* 6, 1868.]

AN ACT to incorporate the Eau Claire Wesleyan seminary.

(*See supplement to local laws.*)

## CHAPTER 331.

[*Published April* 2, 1868.]

AN ACT to incorporate the Wisconsin mining and smelting company.

(*See supplement to local laws.*)

## CHAPTER 332.

[*Published May* 6, 1863.]

AN ACT to authorize the Bank of Moneka to change its place of business.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

May remove place of business from Hustisford to Portage city.

SECTION 1. The Bank of Moneka, located at Hustisford, in the county of Dodge, Wisconsin, is hereby authorized to remove its place of business from Hustisford, in the county of Dodge, to the city of Portage, in the county of Columbia, upon filing with the bank comptroller a certificate of the secretary of state, that said bank has complied with subdivision thirteen of an act to amend chapter four hundred and seventy-nine of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15, 1858, and setting forth in said certificate the place to which said bank is to be removed: *provided*, that the holder or holders of any outstanding circulating notes of said bank may have such notes presented, and the payment thereof demanded, and may cause such notes to be protested for non-payment at Portage, in the same manner and with like effect as if the same had been so presented, demanded and protested at Hustisford.

Notes may be protested at Portage.

When notes to be issued to bank.

SECTION 2. It shall not be lawful for the bank comptroller to issue to the said bank any circulating notes until its plates shall be so altered as to read, "Bank of Moneka. Portage," instead of "Bank of Moneka, Hustisford."

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 26, 1863.

## CHAPTER 333.

[*Published May* 5, 1863.]

AN ACT to incorporate the Baraboo paper manufacturing company.

(*See supplement to local laws.*)

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## CHAPTER 334.

[*Published May* 5, 1863.]

AN ACT to incorporate the Kilbourn city seminary.

(*See supplement to local laws.*)

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## CHAPTER 335.

[*Published May* 4, 1863.]

AN ACT to amend section seven of chapter one hundred and nine of the private and local laws of 1862, enlitled "an act to incorporate the Northwestern wool and flax-growing and manufacturing company."

(*See supplement to local laws.*)

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## CHAPTER 336.

[*Published May* 5, 1863.]

AN ACT to amend chapter ninety of the private and local laws of 1860, entitled "an act to incorporate the German mutual insurance company of Milwaukee."

(*See supplement to local laws.*)

## CHAPTER 337.

[*Published May* 4, 1863.]

**AN ACT to amend an act entitled "an act to incorporate the Peshtigo lumbering and manufacturing company," approved October 11, 1856, and the amendments thereto.**

(*See supplement to local laws.*)

## CHAPTER 338.

[*Published May* 6, 1863.]

**AN ACT to authorize the Bank of Watertown to reduce its capital stock.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Capital stock may be reduced.

SECTION 1. The Bank of Watertown is hereby authorized to reduce its capital stock to any sum not less than twenty-five thousand dollars, upon filing with the bank comptroller a certificate from the secretary of state, that said bank has complied with the requirements of subdivision thirteen of an act to amend chapter 479 of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15th, 1858, and setting forth in said certificate the amount to which such capital stock is to be reduced: *provided*, that said bank shall not be allowed to reduce its capital stock to an amount less than its circulating notes outstanding at the time of the filing of the certificate required in this section; and said bank shall be required to pay to the state treasurer all taxes due to the state on the full amount of its capital up to and including the day on which such cirtificate [certificate] is filed with the bank comptroller.

Proviso.

Certificate to be filed.

SECTION 2. The president and cashier of the bank named in section one of this act, shall, immediately after its passage, file in the office of [the] register of deeds in the county where said bank is situated, a cer-

tificate under oath, stating the sum to which the capital stock of said bank is reduced.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 28, 1863.

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## CHAPTER 339.

[*Published May* 5, 1863.]

AN ACT to authorize the building of a bridge across Fox river.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The town of Aurorah, [Aurora,] in the county of Waushara, and the city of Berlin, in the county of Green Lake, are hereby authorized to build and maintain a free bridge across Fox river, on or near the section line between sections thirty-three and thirty-four, town eighteen, north of range thirteen east. **Authority to build bridge.**

SECTION 2. The said bridge shall be constructed with a suitable draw, so as not to interrupt the navigation of said Fox river; and the expense of repairing and tending said bridge shall be paid equally by said town and city. **Draw.**

SECTION 3. All the laws of this state prohibiting injuries to public bridges, or imposing penalties therefor, shall be applicable to said bridge; and the said town of Aurorah [Aurora] or the city of Berlin shall be entitled to bring suit for damages for injury to said bridge, in any of the courts of this state having jurisdiction, or to prosecute for penalties for any violation of law relating to said bridge. **Application of laws.**

SECTION 4. This act shall be construed to be a public act, and shall be in force and take effect from and after its passage and publication.

Approved March 28, 1863.

## CHAPTER 340.

[*Published May* 6, 1863.]

AN ACT to incorporate the Fremont bridge company.

(*See supplement to local laws.*)

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## CHAPTER 341.

[*Published May* 6, 1863.]

AN ACT to incorporate the Douglass copper mining and smelting company.

(*See supplement to local laws.*)

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## CHAPTER 342.

[*Published May* 6, 1863.]

AN ACT to incorporate the Albion academy and normal institute.

(*See supplement to local laws.*)

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## CHAPTER 343.

[*Published May* 6, 1863.]

AN ACT to legalize and establish the Ripon cemetery association.

(*See supplement to local laws.*)

## CHAPTER 344.

[*Published May* 6, 1863.]

AN ACT to incorporate the Lutheran Evangelical German church of Platteville, Wisconsin.

(*See supplement to local laws.*)

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## CHAPTER 345.

[*Published May* 6, 1863.]

AN ACT to authorize Jesse Spalding to build, keep and maintain a boom on the Menomonee river, in the county of Oconto, in the state of Wisconsin.

(*See supplement to local laws.*)

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## CHAPTER 346.

[*Published May* 6, 1863.]

AN ACT to reduce the capital stock of the Union bank of Columbus.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The Union bank of the village of Columbus is hereby permitted to reduce its capital stock to a sum not less than twenty-five thousand dollars, upon filing a certificate with the secretary of state, that said bank has complied with the requirements of subdivision thirteen of an act to amend chapter four hundred and seventy-nine of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15th, 1858, and setting forth in said certificate the amount to which such capital stock is reduced: *provided*, that said bank shall not be allowed

Capital stock may be reduced.

Proviso.

to reduce its capital stock to an amount less than its circulating notes outstanding at the time of the filing of the certificate required by this section; and said bank shall be required to pay to the state treasurer all taxes due to the state on the full amount of their capital up to and including the day on which said certificate is filed with the bank comptroller.

Certificate to be filed.

SECTION 2. The president and cashier of the said bank named in section one of this act, shall, after the passage of this act, file in the office of the register of deeds in the county where said bank is located, a certificate, under oath, stating the sum to which (*the sum to which*) the capital stock of said bank is reduced.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 1, 1863.

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## CHAPTER 347.

[*Published May* 6, 1863.]

AN ACT granting to Frank Ives the right to establish and maintain a ferry across the north and south channels of the Mississippi river.

(*See supplement to local laws.*)

## CHAPTER 348.

[*Published April* 22, 1863.]

AN ACT for the relief of Beloit college.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

10,000 acres of lands of Beloit college exempt from taxation for five years.

SECTION 1. All real estate, and each tract and parcel thereof, not to exceed ten thousand acres in the whole, and not to exceed two thousand acres in any one county at the same time, nor to exceed six hundred

and forty acres in any one town at the same time, which has been or hereafter shall be conveyed in fee to Beloit college, located at Beloit, Rock county, Wisconsin, for educational purposes, shall, while so held in fee simple by said college, expressly for educational purposes and for the endowment of said college, be exempt from taxation for the period of five years from and after the time of the vesting of the fee of such lands in said college: *provided*, that the period of exemption on such lands as are now owned and held in fee by said college, for the purposes aforesaid, shall be construed to commence on the first day of April, 1863; *and provided, further*, that such lands or any part thereof shall not be exempt from taxation from and after the time the same shall be sold, contracted to be sold, leased, mortgaged, conveyed, or in any manner incumbered by said college.

Provisos.

SECTION 2. The president of the said college shall annually, on the first day of June, file with the clerk of the board of supervisors of each county in which there may be lands exempt as aforesaid, a statement in writing, verefied [verified] by his affidavit, setting forth by proper descriptions all the lands owned by said college in each of such counties, respectively, designating also the number of acres in each town. And the said president shall also, annually, on the first day of June, file with the clerk of the board of supervisors of each county in which such college may have lands exempt as aforesaid, a statement in writing, verified by his affidavit, setting forth correctly a description of all lands sold, contracted to be sold, leased, mortgaged, conveyed, or in any manner incumbered, within the year preceding. And the said president shall annually, on the first day of June, file with the town clerk, city or village clerk, as the case may be, of each town, city or village in which the said college may have any lands exempt as aforesaid, like statements in writing, verified by his affidavit, showing all the lands owned in each town, city or village by said college, and also showing the number of acres, and the description thereof, sold, contracted to be sold, leased, mortgaged, conveyed, or otherwise incumbered. And it is hereby made the duty of such clerks of the boards of supervisors, town clerks, city clerks and village clerks, to receive such statements and file them in their respective offices.

Descriptions of lands owned and sold to be filed.

Descriptions of lands elected to have exempted, to be filed.

SECTION 3. In case the said college shall hold in fee any more than two thousand acres of land in any one county, or more than six hundred and forty acres in any one town, in order to entitle the said college to the exemption provided for by this act, the president of said college shall annually, on the first day of June, file with the clerks of the respective boards of county supervisors, towns, cities or villages in which such lands may lie, a statement in writing, setting forth accurately, by proper descriptions, what lands the said college has elected to have exempt from taxation, not exceeding the amount as hereinbefore provided; and such lands so selected shall be exempt accordingly.

Such lands not to be assessed.

SECTION 4. In case any of the lands now owned or that may be hereafter owned by said college, shall be sold, contracted to be sold, leased, mortgaged, conveyed, or in any manner incumbered by said college, its officers or agents, or any of them, then such lands shall immediately become subject to taxation, and the exemption provided for by this act shall no longer apply to such lands.

If statement not filed, lands not to be exempt.

SECTION 5. If the president of said college shall refuse or neglect to file, or cause to be filed, annually, with the clerks of the boards of supervisors of counties, and with the clerks of the respective towns, cities or villages where its lands are situated, or either of them, the statements, or either of them, as in this act provided, then the said lands of the said college shall not be exempt from taxation, anything in this act to the contrary notwithstanding.

False statement a forfeiture.

SECTION 6. If any of the officers, trustees or managing agents of said college shall make or cause to be made any false statement, either oral or in writing, with intent to procure exemption of or to save from taxation any lands whatever, other or greater in quantity than is provided in this act, such false statement shall work a forfeiture of the exemption provided by this act, and thereupon such lands shall be subject to taxation immediately.

When exemption to cease.

SECTION 7. The exemption from taxation, as provided in this act, shall not extend to any lands after the first day of June, in the year one thousand eight hundred and seventy-three; but all lands which shall belong to the said college at that date shall be subject to taxation thereafter, excepting such real estate as is now by law exempt from taxation.

SECTION 8. This act shall take effect and be in force from and after its passage, and shall continue in force until the first day of June, in the year one thousand eight hundred and seventy-three, and not longer.

Approved April 1, 1863.

## CHAPTER 349.

[*Published May* 6, 1863.]

AN ACT to authorize Isaac R. Lawton and D. A. Lawton to build and maintain a dam across the Kickapoo river.

(*See supplement to local laws.*)

## CHAPTER 350.

[*Published May* 7, 1863.]

AN ACT to authorize G. W. T. Grant to keep and maintain a ferry across the Mississippi river.

(*See supplement to local laws.*)

## CHAPTER 351.

[*Published May* 6, 1863.]

AN ACT to amend section 3 of chapter 278 of the private and local laws of 1854, entitled "an act to incorporate the Germantown farmers' mutual insurance company."

(*See supplement to local laws.*)

## CHAPTER 352.

[*Published May* 8, 1863.]

AN ACT to incorporate the Phœnix lead-mining and smelting company.

(*See supplement to local laws.*)

## CHAPTER 353.

[*Published May* 6, 1863.]

AN ACT to incorporate the Freemen's association of Mayville, in Dodge county.

(*See supplement to local laws.*)

## CHAPTER 354.

[*Published May* 6, 1863.]

AN ACT to amend sections one, three, five and ten of chapter two hundred and seventy-one of the session laws of 1850, entitled "an act to incorporate the Globe insurance company in the village of Southport."

(*See supplement to local laws.*)

## CHAPTER 355.

[*Published May* 7, 1863.]

AN ACT to incorporate the Milwaukee Saenger-bund.

(*See supplement to local laws:*)

## CHAPTER 356.

[*Published May* 7, 1863.]

AN ACT to incorporate the Independent Heldmann relief association of Milwaukee, Wisconsin."

(*See supplement to local laws.*)

## CHAPTER 357.

[*Published May* 6, 1863.]

AN ACT to amend chapter twenty-seven [381] of the private and local [general] laws of 1863, entitled "an act to incorporate the Wisconsin mining and smelting company."

(*See supplement to local laws.*)

## CHAPTER 358.

[*Published May* 7, 1863.]

AN ACT to authorize John Verstegen, his heirs, assigns or associates, to build and maintain a free bridge across Fox river, [in] Outagamie county.

(*See supplement to local laws.*)

## CHAPTER 359.

[*Published May* 12, 1863.]

AN ACT to authorize the Central bank of Wisconsin to reduce its capital stock.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The Central bank of Wisconsin is hereby permitted, within ninety days after the passage of

Capital stock may be reduced.

this act, to reduce its capital stock to a sum not less than one hundred thousand dollars, upon filing with the bank comptroller a certificate from the secretary of state, that said bank has complied with the requrements [requirements] of subdivision thirteen of an act to amend chapter four hundred and seventy-nine of the general laws of Wisconsin for the year (*of*) 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15th, 1858, and setting forth in said certificate the amount to which such capital stock is to be reduced: *provided*, that said bank shall not be allowed to reduce its capital stock to an amount less than its circulating notes outstanding at the time of filing of the certificate required in this section; and said bank shall be required to pay the state treasurer all taxes due the state on the full amount of their capital up to and including the day on which such certificate is filed with the bank comptroller.

Proviso.

Certificate to be filed.

SECTION 2. The president and cashier of said bank shall, within one day after the day of filing the certificate with the bank comptroller, as provided in section one of this act, file in the office of [the] register of deeds in the county of Rock, a certificate, under oath, stating the sum to which the capital stock of said bank is reduced, and from and after the filing of such certificate, the capital stock of said bank shall be so reduced, and not before.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1863.

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## CHAPTER 360.

[*Published May* 7, 1863.]

AN ACT to incorporate the Moravian brethren's congregation, in German called Hernhuter Bruder Gemeinde, of the 6th ward of the city of Milwaukee.

(*See supplement to local laws.*)

## CHAPTER 361.

[*Published May* 8, 1863.]

AN ACT authorizing Eric Theodore Schjoth to maintain a ferry across Big Sturgeon bay, in Door county, Wisconsin.

(*See supplement to local laws.*)

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## CHAPTER 362.

[*Published May* 7, 1863.]

AN ACT to incorporate the Janesville woolen manufacturing company.

(*See supplement to local laws.*)

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## CHAPTER 363.

[*Published May* 7, 1863.]

AN ACT to amend chapter ninety-seven of the private and local laws of 1862, entitled "an act to authorize John A. Daniels to keep and maintain a ferry across the Mississippi river."

(*See supplement to local laws.*)

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## CHAPTER 364.

[*Published May* 8, 1863.]

AN ACT to incorcorporate the New gas-light company of Janesville.

(*See supplement to local laws.*)

## CHAPTER 365.

[*Published May* 9, 1868.]

AN ACT to incorporate the Spring Green institute.

(*See supplement to local laws.*)

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## CHAPTER 366.

[*Published May* 8, 1868.]

AN ACT to authorize Pembroke B. Stearns to erect and maintain a boom on the Wisconsin river, in Wood county.

(*See supplement to local laws.*)

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## CHAPTER 367.

[*Published May* 12, 1868.]

AN ACT to incorporate the Methodist Episcopal church building association of the city of Madison.

(*See supplement to local laws.*)

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## CHAPTER 368.

[*Published May* 12, 1868.]

AN ACT to incorporate Wiard's ice-boat company.

(*See supplement to local laws.*)

# JOINT RESOLUTIONS.

## SESSION OF 1863.

### NUMBER 1.

JOINT RESOLUTION asking the government of the U. S. to make a grant of land for the construction of a wagon road from Copper Harbor, state of Michigan, to the city of Appleton, in the state of Wisconsin.

WHEREAS, The legislature of the state of Michigan has passed a joint resolution, asking the government of the U. S. to make a grant of lands for the construction of a waggon [wagon] road from Copper Harbor, running through or to town 40, north of range 37 west, in the state of Michigan, to the city of Appleton, in the state of Wisconsin, of two sections to each mile of wagon road, to be constructed between the points above named; and

WHEREAS, We are confident in the belief that the said grant of lands will be a material benefit to the state, by opening up the country to farming and mining enterprises, and to the general government, by bringing the public lands into market and settlement for actual cultivation: therefore, be it

*Resolved, by the senate, the assembly concurring*, That our senators in congress be instructed and our representatives requested to use all honorable means to secure the immediate grant of these lands for the purpose set forth in the preamble to these resolutions.

*Further, resolved*, That the governor be requested to transmit copies of the foregoing preamble and resolutions to our senators and representatives in congress.

Approved February 19, 1863.

## NUMBER 2.

JOINT RESOLUTION recommending Colonels J. C. Starkweather and Geo. E. Bryant to promotion.

WHEREAS, The interests of the country and justice to our brave volunteers, alike demand a prompt recognition of meritorious services in the cause of our imperiled union; and

WHEREAS, Colonels John C. Starkweather and Geo. E. Bryant were among the first to respond to the first call of the president for volunteers from this state, and received the first commissions issued by the governor, and were the first to leave the state for the scene of action, and participated in the first conflict between the union forces and the rebels; and

WHEREAS, They have been repeatedly commended by their superior officers for their skill and bravery, and recently recommended for promotion by officers in command of the divisions to which they belong: therefore,

*Resolved, by the assembly, the senate concurring*, That we heartily recommend to the president the promotion of Colonels John C. Starkweather and Geo. E. Bryant to brigadier-generalships, for their long and meritorious services in the field.

*Resolved*, That the governor of this state cause a copy of this preamble and resolution to be immediately transmitted to the president and secretary of war.

Approved March 13, 1863.

## NUMBER 3.

JOINT RESOLUTION relative to the cession of Douglass county to the state of Minnesota.

WHEREAS, A memorial of the legislature of the state of Minnesota, praying for the cession of the county of Douglass, in this state, to the state of Minnesota, has been laid before this legislature; and

WHEREAS, Said memorial prays for the appointment of commissioners by this body, to act in conjunction with commissioners to be appointed by the state of Minnesota, to locate the boundary line between the two states, along the waters of the upper St. Croix river and lake, and the Bois Brule river, to Lake Superior; and

WHEREAS, The said memorial, among other things, states that

Douglass county was started and principally settled by citizens of the state of Minnesota; and

WHEREAS, While it may possibly be true, that Douglass county was settled by citizens of Minnesota, it is undoubtedly also true that a considerable portion of the state of Minnesota was settled by citizens of the state of Wisconsin; and

WHEREAS, We see nothing in the above facts to justify the cession on the part of this state to the state of Minnesota, of a belt of territory embracing, as Douglass county does, one of the finest harbors on Lake Superior, and some of the richest mineral lands in that region, thereby reducing the shore line of the state of Wisconsin on Lake Superior to a small strip of about 60 miles in length: now, therefore, be it

*Resolved, by the assembly, the senate concurring,* That we deem it inexpedient to cede any portion of our present territory to any other state, and consequently most respectfully decline to grant the prayer of said memorial.

*Resolved,* That his excellency the governor be directed to forward a copy of the foregoing preamble and resolution to the governor of the state of Minnesota.

Approved March 18, 1863.

## NUMBER 4.

JOINT RESOLTTION relative to adopting state flag.

The joint select committee to whom was referred joint resolution No. 27, senate, in relation to a state flag, beg leave to submit the following:

*Resolved, by the senate, the assembly concurring,* That the following be and is hereby adopted as the design for a state flag for the state of Wisconsin:

STATE FLAG.—To be of dark blue silk, with the arms of the state of Wisconsin painted or embroidered in silk on the obverse side, and the arms of the United States, as prescribed in paragraph 1435 of "new army regulations," painted or embroidered in silk on the reverse side; the name of the regiment, when used as a regimental flag, to be in a scroll beneath the state arms.

The size of the regimental colors to be six feet six inches fly, and six feet deep on the pike; the length of pike for said colors, including spear and ferule, to be 9 feet 10 inches; the fringe yellow, cords and tassels blue and white silk intermixed.

Approved March 25, 1863.

## NUMBER 5.

JOINT RESOLUTION in relation to enlarged facilities of transportation between the great lakes, the Atlantic coast and Europe.

WHEREAS, The agricultural interests of the great producing states of the north-west, are the principal sources of their prosperity, and the opening of improved and elarged [enlarged] facilities for the transportation of those products from the great lakes to the seaboard, tend directly to stimulate and increase the growth of these products, as well as to encourage and advance the interests of all branches of business, commercial or otherwise, prosecuted within those states; and

WHEREAS, The present channel of communication by way of the Erie canal and the Hudson river, is scarcely sufficient to accommodate the present wants and wholly inadequate to meet the prospective demands of the great-grain growing states bordering upon and tributary to these internal waters; and

WHEREAS, The rivers and canals of Canada can be readily enlarged and improved, so as to furnish ample and reliable facilities for transportation from the lakes to the Atlantic ocean, thereby saving to the western producer millions of dollars per annum, as well as a large per centage of the time now occupied in transit: therefore, be it

*Resolved, by the senate of the state of Wisconsin, the assembly concurring,* That the governor be and is hereby authorized to appoint a committee of five citizens of the state, to communicate with the provincial government and parliament of Canada, either by petition or by proceeding in person to the seat of said government, for the purpose of laying before that body, in a proper and respectful manner, statistics of the production and trade of the western states, present and prospective, the inefficiency of the present thoroughfares connecting the lakes with the seaboard, the mutual advantages presented by their rivers and canals for the construction of such enlarged avenues as the interests of the west so imperiously demand, and the mutual benefits which must necessarily accrue from the proper improvement of these advantages to the constructors of such channel or channels, as well as to the western producer.

*Resolved,* That the governor be also authorized to appoint twenty-five delegates from this state to attend the canal enlargement convention which has been called to meet at Chicago in June next, for the consideration of enlarged facilities of transportation to and from tide-water.

*Resolved,* That our neighboring states similarly interested, be and are hereby respectfully invited to appoint like state commit-

tees to act and co-operate with the committee hereby appointed, for the attainment of the objects herein set forth; and that the governor be and is hereby requested to send copies of this joint resolution and invitation to each of the states so interested, and to our senators and representatives in congress, and that the preceding preamble and resolutions be printed for the greater convenience of so doing.

Approved March 27, 1863.

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## NUMBER 6.

JOINT RESOLUTION of thanks and condolence to our soldiers and their families.

WHEREAS, The rebellion against our government and the constitution by the so-called Confederate States, has forced upon the loyal states the present war for the constitution, the union and our free institutions; and

WHEREAS, To sustain this war large numbers of our valued and worthy citizens have volunteered to leave their homes and all that is dear in their domestic relations, some of whom have heroically laid their lives upon the altar of their country, and with honor rest in the soldier's grave upon the battle-field: therefore,

*Resolved, by the assembly, the senate concurring,* That while we cherish with mournful regrets the memory of the valiant dead, for their distinguished bravery and patriotic sacrifices, we tender our heartfelt sympathies and condolence to the bereaved parents, the widows and orphans who are left to mourn for the loved ones that have fallen.

*Resolved,* That we tender our sincere thanks to our brave volununteers now in the field, for their fidelity to the constitution and the government, their patriotism and their bravery; that upon them, under divine providence. rests [rest] the issues of the present struggle for the perpetuity of our free institutions, our national existence, and the continuance of the union of this republic.

*Resolved,* That we contemplate with gratitude and confidence the loyal and patriotic bravery of our Wisconsin soldiers, now in the active defense of our government, Their loyalty and bravery are appreciated by their friends, as an honor to this commonwealth, and justly entitles [entitle] them to the gratitude of all loyal citizens of the state, and it is our constant endeavor to attend to their interests at home while they are defending our union in the field.

# MEMORIALS.

## NUMBER 1.

**MEMORIAL** to the congress of the United States in relation to the enlargement of the Erie canal, and of the Fox and Wisconsin rivers improvement, to admit of the passage of gunboats.

To the honorable the senate and house of representatives of the United States, in congress assembled.

*The memorial of the legislature of the state of Wisconsin, respectfully represents:*

That the importance of the immediate enlargement of the Erie canal and of the Fox and Wisconsin rivers improvement, to admit of the passage of gunboats, cannot, at this time of national peril, be overrated; that in the event of a foreign war, the completion and use of this work might result in the preservation of the government; that in peaceful times, with the dangers of war averted, its importance as a great national work is scarcely less, as it is demanded by a great and increasing commerce, a commerce that unites the west with the east, and enriches the entire country.

The memorial further represents, that the Fox and Wisconsin rivers improvement, reaching from the great lakes to the Mississippi, and admitting of the passage of boats drawing three and a half feet of water, is nearly or quite completed; that to enlarge this work to admit of the passage of gunboats 144 feet long by 34 feet beam, and drawing six feet of water, will require an expenditure estimated by competent engineers at about one million dollars, a sum trifling in amount when considered in connection with the bene-

fits to be derived therefrom, or when compared with the enormous expenditures that are necessary in order to unite the Mississippi and lakes by any other channel; that the entire length of said improvement is 280 miles, as follows:

| | | |
|---|---|---|
| On the lower Fox river, | 35 | miles. |
| Lake Winnebago to Oshkosh, | 15 | " |
| The upper Fox river, | 113 | " |
| Canal connecting Fox and Wisconsin rivers, | 2 | " |
| Wisconsin river, | 115 | " |
| Total, | 280 | miles. |

That in Lake Winnebago and the mouth of the lower Fox can be found safe harbors for the entire commerse of the lakes; that of the enlargement of the Erie canal, the character of the work and the expenditure necessary to complete it, your memorialists are not equally as well informed, but they know that the channel is a continuation of the military and commercial highway that connects the west with the east.

The memorial further represents, that his excellency the governor of Wisconsin, in his late message to your memorialists, urges upon them the pressing necessity for this important national improvement.

Therefore, your memorialists are induced thereto, and feeling such necessity, in turn urge upon the representatives of the people of the whole country, and especially upon the representatives of the people of this state, the pressing necessity for this improvement, and most respectfully ask that the enlargement of the Fox and Wisconsin rivers improvement and of the Erie canal, may be undertaken by the national government at the earliest practicable moment.

The governor of this state is hereby requested to transmit a copy of this memorial to each of the senators and representatives in congress from this state.

Approved January 22, 1863.

## NUMBER 2.

MEMORIAL to congress for daily mail service on mail route number 13,133, from Lone Rock to Richland Center.

To the honorable the senate and house of representatives of the United States, in congress assembled.

*The memorial of the legislature of the state of Wisconsin, respectfully represents:*

That the interests and convenience of a large number of inhabitants of the counties of Richland and Vernon, in this state, would be greatly enhanced by the establishment of a daily mail service on route number 13,133, from Lone Rock to Richland Center, in Richland county, Wisconsin.

Your memorialists respectfully ask that the said daily service be established upon said route at the earliest practicable period.

Approved February 6, 1863.

## NUMBER 3.

MEMORIAL to the congress of the United States, for a mail route from Calamine, in La Fayette county, to Platteville, in Grant county.

*The memorial of the senate and assembly of the state of Wisconsin to the congress of the United States, respectfully represents:*

That the interests and postal convenience of the citizens of the state in the vicinity of the proposed route, require the establishment of a post route from Calamine, in La Fayette county, in said state, by way of New Dublin and Bashford, in said county, to Platteville, in Grant county, in said state; and they respectfully request the establishment of such a post route.

Approved February 19, 1863.

## NUMBER 4.

MEMORIAL to congress, asking for a reduction of duty on paper.

To the senate and house of representatives of the United States.

*The memorial of the legislature of the state of Wisconsin, respectfully represents:*

That, under the existing revenue laws of the United States, the article of paper, for newspaper and publishing purposes, is so heavily taxed as to become a matter of grievous public complaint. Newspapers and magazines have, from the custom of our people, become a public necessity. They are the medium through which are made public not only the current news of the day, but they are, to a great extent, the source from which the people gather facts and information enabling them to estimate correctly the nature and spirit of their government, and determine their rights and duties under that government. To deprive the people of such means of information, would be not only a serious inconvenience, but a public calamity, which would be felt and lamented in every household. The newspaper is the best and safest means for the dissemination of general information, and the government should, in justice to the people, impose no barrier to its being, as heretofore, the cheapest. Under existing revenue laws, the tax on foreign manufactured paper is 35 per cent., payable in gold, which is equal, in the present condition of the money market, to about 65 per cent. in currency. This is, in effect, a prohibitory tariff, and there being but a limited number of paper manufacturers in the United States, it enables them to demand extortionate prices for an article which publishers must, of necessity, have, or suspend business. Under the present tariff, the general government receives no revenue, the tax being so high as to prohibit importations, thus enabling home manufacturers to so combine as to create for their business a monopoly, to the benefit of the few and the injury of the many. The effect of such a monopoly, naturally growing up under the present tariff, is already felt. It is seen in the suspension of many publications, and felt in the increased terms of all others; and this cause of complaint has not become, in all probability, as burdensome as it will, should your honorable bodies neglect to afford the relief asked for, at the present session. There are, as your memorialists believe, no valid reasons for the advanced prices demanded for paper, nor could such prices be maintained, and [were] the revenue tax to be removed or reduced to a just and reasonable *ad valorum* duty, and the duty removed from im-

ported rags and from other material from which paper is manufactured; as foreign manufactured paper can be imported, and, with a tariff duty of not exceeding 10 per cent. *ad valornm*, afforded publishers at much lower rates than are now demanded by home manufacturers for a much inferior article, and enable the government to realize therefrom a revenue which it does not realize under the tariff now imposed. Your memorialists can see no good reason for granting manufacturers of the article an exclusive right to control the paper market. If they cannot compete with foreign manufacturers, with an advantage of 10 per cent. *ad valorum* duty, is it not better that the interests and welfare of the many should be consulted, than that the few should be granted privileges, in the abuse of which a great public interest is made to suffer? Public policy, just to the people and profitable to the government, would seem to demand such an amendment of the revenue laws as will afford the relief here asked for. If not granted, the paper monopoly will force into suspension many of the public journals of the day, and compel others to so raise the price of subscription as to deny the people, to a great extent, the advantages they now derive from cheap reading, benefiting, in the end, none but paper manufacturers, enriching monopolists, and beggaring the minds of the people.

Your memorialists therefore pray your honorable bodies to consider the grievance complained of, and afford such relief as justice and the necessities of the case shall seem to require.

Approved February 19, 1863.

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## NUMBER 5.

MEMORIAL to the president of the United States, asking for the establishment of a military hospital within the limits of the state of Wisconsin, for the sick and wounded soldiers of said state.

To the honorable the president of the United States.

*The memorial of the legislature of the state of Wisconsin, respectfully represents:*

That a due regard for the welfare of the brave and loyal men of this state, who have been wounded, or have incurred other bodily infirmities in the service of their country, as soldiers during the present war, impels your memorialists to use all proper means to alleviate their sufferings and administer to their wants.

Your memorialists are of opinion that those ends can be more completely attained by the establishment of a military hospital for the care of said soldiers, at some convenient point within the limits of said state. That while such establishment would not increase the expenses of the general government, it would enable the people of the state to contribute more directly to the wants of their sons.

Your memorialists are convinced that this healthful climate, and the kind offices of friends, would very materially contribute to the speedy restoration of these men to health and the service of the country, and therefore respectfully ask that such hospital be established at the earliest practicable period.

Approved February 24, 1863.

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## NUMBER 6.

MEMORIAL to congress for a mail route from Montello, via Harris, Westfield, Lawrence, in Marquette county, New Chester, Fordham, Friendship, Strong's Prairie, in Adams county, to Necedah, in Juneau county.

To the honorable the senate and house of representatives of the United States, in congress assembled.

*The memorial of the legislature of the state of Wisconsin, respectfully represents:*

That the interests of a large number of the inhabitants of the counties of Marquette, Adams and Juneau require the establishment of a mail route from Montello, by way of Harris, Westfield, Lawrence, [in] Marquette county, New Chester, Fordham, Friendship and Strong's Prairie, in Adams county, to Necedah, in Juneau county.

Your memorialists would therefore respectfully ask that the aforesaid mail route may be established, and that the service on said route be put on at as early a period as practicable.

Approved February 24, 1863.

## NUMBER 7.

MEMORIAL to congress for a mail route from Wautoma, Waushara county, to Grand Rapids, in Wood county, via Hancock, Flyght's Mill, Big Flats, Spring Creek and Point Baussee.

To the honorable the senate and house of representatives of the United States, in congress assembled.

*The memorial of the legislature of the state of Wisconsin, respectfully represents:*

That the interest and convenience of the inhabitants of the counties of Waushara, Adams and Wood require the establishment of a mail route from Wautoma, Waushara county, by the way of Hancock, in said county, Flyght's Mill, Big Flats, Spring Creek, in Adams county, and Point Baussee, in Wood county, to Grand Rapids, in Wood county.

Your memorialists would therefore respectfully ask that the aforesaid mail route be established, and that the service on said route be put on at as early a period as practicable.

Approved February 24, 1863.

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## NUMBER 8.

MEMORIAL to congress for a mail route from Red Wing, in the state of Minnesota, by way of Trenton and Ellsworth, to River Falls, in the state of Wisconsin.

*Your memorialists, the legislature of the state of Wisconsin, respectfully represent:*

That the citizens of Pierce, in said state, would be greatly accommodated by the establishment of a tri-weekly mail route from the city of Red Wing, in the state of Minnesota, by way of Trenton and Ellsworth, to River Falls, in said Pierce county. The proposed route is in a northerly direction, and is about twenty-five miles in length, through an improved and settled agricultural region, and over good roads. The country to be supplied is constantly increasing in population, and your memorialists believe that the establishment of the route will both encourage the settlement of the public lands, and be a source of revenue.

Approved February 24, 1863.

## NUMBER 9.

MEMORIAL to congress for a tri-weekly mail route from Potosi, Grant county, state of Wisconsin, by way of Specht's ferry, to the city of Dubuque, state of Iowa.

To the honorable the senate and house of representatives of the United States, in congress assembled.

*The memorial of the legislature of the state of Wisconsin, respectfully represents:*

That the interest and convenience of a large number of the inhabitants of Grant county, state of Wisconsin, and of Dubuque county, state of Iowa, would be greatly enhanced by the establishment of a tri-weekly mail route from Potosi, Grant county, state of Wisconsin, to the city of Dubuque, state of Iowa, by way of Specht's ferry.

Your memorialists ask that the said mail route may be established at the earliest practicable period.

Approved February 24, 1863.

## NUMBER 10.

MEMORAIL to congress for a mail route from Otter Creek to Eau Galle.

To the honorable the senate and house of representatives of the United States, in congress assembled.

*The memorial of the legislature of the state of Wisconsin, respectfully represents:*

That the interests and convenience of a large number of the inhabitants of the counties of Eau Claire and Dunn, require the establishment of a mail route from Otter Creek, in the county of Eau Claire, via Pleasant Valley and Brunswick, in Eau Claire county, and Rock Falls, Peru and Dunnville, to Eau Galle, in Dunn county.

Your memorialists would therefore respectfully ask that the aforesaid mail route may be established, and that the service be put on at as early a period as practicable.

Approved March 4, 1863.

## NUMBER 11.

MEMORIAL to congress for a mail route from Grand Rapids, in the county of Wood, to Neilsville, in the county of Clark.

*The memorial of the legislature of the state of Wisconsin, respectfully represents:*

That the interest and convenience of the inhabitants of the counties of Wood and Clark, require the establishment of a mail route from Grand Rapids, in the county of Wood, by the way of Seneca, Dexterville, Springfield and Nasonville, in said county, to Neilsville, in the county of Clark.

Your memorialists would therefore respectfully ask that the aforesaid mail route be established, and that the service on said route be put on at as early a period as practicable.

Approved March 6, 1863.

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## NUMBER 12.

MEMORIAL to congress of the United States that the postoffice of Arlington, in Columbia county, state of Wisconsin, may be placed on mail route number 13,089.

*The memorial of the legislature of the state of Wisconsin, respectfully represents:*

That if the postoffice of Arlington, in Columbia county, state of Wisconsin, on mail route number 13,091, were placed on mail route number 13,089, the interests and convenience of the people of Arlington would be greatly subserved, and that it would be no detriment to the general government.

The mail from Portage City to Lodi (mail route number 13,089) passes by the postoffice of Arlington, nearly every trip which is made, and could just as easily do so at all times; but the mail does not stop at said office, for the reason that it is on another route. The mails so run on route number 13,091, that said office of Arlington is very poorly accommodated, but were it placed on route number 13,089, the people of Arlington would be well accommodated.

Your memorialists ask that said office of Arlington may be placed on mail route number 13,089.

Approved March 6, 1863.

## NUMBER 13.

A MEMORIAL to the postmaster-general for a mail route from Billman's Corners to Kewaskum, in the county of Washington.

*The memorial of the legislature of the state of Wisconsin, respectfully represents:*

That the interests and convenience of a large number of inhabitants would be greatly enhanced by the establishment of a weekly mail route from Billman's Corners, in the town of Wayne, in the county of Washington, to Kewaskum, in said county, being a distance of about six miles.

Your memorialists would further represent, that responsible men of said town of Wayne will transport the mails over said route without any expense to the general government.

Your memorialists would respectfully ask that said mail route be established at the earliest practicable period.

Approved March 13, 1863.

## NUMBER 14.

MEMORIAL to congress for a mail route from Baraboo, in Sauk county, to Sextonville, in Richland county.

*The memorial of the legislature of the state of Wisconsin, respectfully represents:*

That the interest and convenience of the inhabitants of the counties of Sauk and Richland, require the establishment of a tri-weekly mail route from Baraboo, in Sauk county, by the way of Ableman's Mills, Logansville and Ironton, in said county, to Sextonville, in the county of Richland.

Your memorialists would therefore respectfully ask that the aforesaid mail route be established, and that the service on said route be put on at as early a period as practicable.

Appproved March 19, 1863.

## NUMBER 15.

MEMORIAL to congress for a mail route from Cedarburg, in the county of Ozaukee, to the north-west corner of section number twenty-four, in the town of Jackson, Washington county.

To the honorable the senate and house of representatives of the United States, in congress assembled.

*The memorial of the legislature of the state of Wisconsin, respectfully represents:*

That the north-east part of the town of Jackson, in the county of Washington, contains about eight hundred inhabitants, and that there is no postoffice or mail service established at said part of said town, nor any where near; that the interests and convenience of the above number of inhabitants would be greatly enhanced by the establishment of a weekly mail route from the village of Cedarburg, in the county of Ozaukee, to the north-west corner of section number twenty-four, in the town of Jackson, Washington county, a distance of about six miles only, and that a postoffice be established at the last named place, to be called by the name of "Frankville."

Your memorialist would further represent, that John G. Frank and others, responsible persons of the town of Jackson aforesaid, will transport the mails over said route without any expense to the general government, and for the avails of the postoffice prayed for hereinbefore.

Your memorialists would respectfully ask that said mail route and postoffice be established as aforesaid, at the earliest practicable period.

Approved March 28, 1863.

## NUMBER 16.

MEMORIAL to the postmaster-general for increase of mail service on mail route number 13,074, from Fond du Lac to Ripon.

*The memorial of the legislature of the state of Wisconsin, respectfully represents:*

That the mail service on mail route number 13,074, from Fond du Lac to Ripon, is entirely inadequate to the wants of the people upon said route, and upon other routes connected therewith and

affected thereby, and we therefore respectfully ask you to increase said service, by establishing a tri-weekly mail over said route number 13,074.

Approved March 28, 1863.

## NUMBER 17.

MEMORIAL to the postmaster-general for a tri-weekly mail service on route number 13,033, from Ozaukee to Kewaskum.

To the honorable the postmaster-general of the United States.

*The memorial of the legislature of the state of Wisconsin, respectfully represents:*

That the interest and convenience of a large number of inhabitants of the counties of Ozaukee and Washington, in this state, would be greatly enhanced by the establishment of a tri-weekly mail service on route number 13,033, from Ozaukee to Kewaskum, in Washington county, Wisconsin.

Your memorialists respectfully ask that the said tri-weekly service be established on said route at the earliest practicable period.

Approved March 28, 1863.

## NUMBER 18.

MEMORIAL to the postmaster-general for the establishment of a postoffice in the village of New Luxemburg, in the town of Belgium, and county of Ozaukee.

*The memorial of the legislature of the state of Wisconsin, respectfully represents:*

That the western part of the town of Belgium contains about one thousand inhabitants, and that there is no postoffice established at said part of that town; that the business and convenience of the above number of inhabitants would be greatly enhanced by the establishment of a postoffice in the village of New Luxemburg, in the town of Belgium, county of Ozaukee, to be supplied by and be on route number 13,033, said postoffice to be called by the name of "New Luxemburg."

Approved March 31, 1863.

## NUMBER 19.

MEMORIAL to the postmaster-general for a tri-weekly mail route from Albion, in Dane county, to Busseyville, in Jefferson county.

*The memorial of the legislature of the state of Wisconsin, to the postmaster-general of the United States, respectfully represents:*

That the interests and postal convenience of the citizens of this state, in the vicinity of the proposed route, require that a post-route and tri-weekly mail be established from Albion, in Dane county, Wisconsin, to Busseyville, in Jefferson county, and respectfully request that the same may be established.

Approved March 31, 1863.

## NUMBER 20.

MEMORIAL to the postmaster-general for an increase of mail service on mail route number 13,123, from Ozaukee, in Ozaukee county, to Horicon, in Dodge county, by way of Newberg, in Washington county.

To the honorable the postmaster-general of the United States.

*The memorial of the legislature of the state of Wisconsin, respectfully represents:*

That, as at present arranged, the mail service on mail route number 13,123, between Ozaukee, in Ozaukee county, and Horicon, in Dodge county, by way of Newberg, in Washington county, is entirely inadequate to the wants of the people; and therefore we would ask you to increase the said service, by establishing a tri-weekly mail over said route, known to your department as mail route number 13,123.

Your memorialists therefore respectfully ask that said service be increased.

Approved March 31, 1863.

## NUMBER 21.

MEMORIAL to the postmaster-general for increased mail service on mail route thirteen thousand one hundred and eight, from Madison, in Dane county, to Wiota, in La Fayette county.

*The memorial of the legislature of the state of Wisconsin, respectfully represents:*

That the interests and convenience of a large number of inhabitants of Dane, Green and La Fayette counties, would be greatly enhanced by the establishment of a semi-weekly mail service on mail route thirteen thousand one hundred and eight, from Madison, in Dane county, to Wiota, in La Fayette county.

Approved April 1, 1863.

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## NUMBER 22.

MEMORIAL to the postmaster-general, for a daily mail on mail route number 13,164.

*The memorial of the legislature of the state of Wisconsin, respectfully represents:*

That the convenience and business interests of the inhabitants of Buffalo, Pepin, Dunn, Eau Claire and Chippewa counties, require the establishment of a daily mail on mail route number 13,-164, leading from Wabasha, in the state of Minnesota, to Chippewa Falls, in the state of Wisconsin.

Your memorialists would therefore respectfully ask that a daily mail be established on the route aforesaid, and that increased mail service be put thereon at the earliest practicable period.

Approved April 2, 1863.

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STATE OF WISCONSIN, }
SECRETARY'S OFFICE, } ss.

The secretary of state of the state of Wisconsin does hereby certify, that the laws, joint resolutions and memorials published in this book, have been compared with the originals, deposited in this office, and that they appear to be correctly printed.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the state, at the capitol, in Madison, this second day of July, A. D. 1863.

[L. S.]

JAMES T. LEWIS, *secretary of state.*

# LIST OF APPROPRIATIONS.

| Date. | No. | To whom and for what appropriated. | Amount. |
|---|---|---|---|
| Feb. 5... | 1... | Blair & Persons, merchandise | $728 56 |
| 12... | 2... | Schumacher & Johnson, burglar proof safe | 984 50 |
| 12... | 3... | Donaldson & Tredway, merchandise | 33 07 |
| 12... | 4... | Hayes & Perry, desk | 25 00 |
| 12... | 5... | Neely Gray, coal | 117 38 |
| 12... | 6... | W. P. Towers, painting and varnishing | 425 68 |
| 12... | 7... | Fisher & Reynolds, furniture | 60 00 |
| 12... | 8... | R. K. Findlay & Co., merchandise | 37 43 |
| 12... | 9... | Noonan & McNab, stationery | 85 50 |
| 11... | 10... | W. S. Purdy, papers in case of state *vs.* Wm. Watts | 6 00 |
| 12... | 11... | C. S. Mears & Co., lumber | 410 75 |
| 12... | 12... | Blair & Persons, hardware | 84 26 |
| 12... | 13... | J. L. Davis & Co., carpeting | 3,543 83 |
| 11... | 14... | Wm. E. Carter, contested election | 37 50 |
| 11... | 15... | Charles Dunn, do do | 17 50 |
| 19... | 16... | A. D. Seaman, 8 tete-a-tetes | 184 00 |
| 19... | 17... | Moseley & Bro., stationery | 413 87 |
| 19... | 18... | Cook & Belden, clocks | 18 00 |
| 19... | 19... | Moseley & Bro., stationery | 9 91 |
| 19... | 20... | Joseph Hall, wood | 402 00 |
| 20... | 21... | Bliss, Eberhard & Festner, stationery | 186 99 |
| 20.. | 22... | H. J. Hill, 50 cords wood, | 200 00 |
| 20... | 23... | A. Kutzbock, work on capitol | 104 17 |
| 20... | 24... | Dane county, boarding prisoners | 34 96 |
| 20... | 25 .. | E. Gibbs, gas fixtures | 817 00 |
| 20... | 26... | Harvey & Moxley, repairs on capitol | 104 00 |
| 20... | 27... | G. D. Norris, flag | 18 25 |
| 24... | 28... | Robert G. Bell, shrubbery | 124 00 |
| 24... | 29... | A. Parker, clocks | 70 00 |
| 27... | 30... | Frederickson & Sorenson, repairs on capitol | 372 00 |
| 28... | 31... | Wm. Pyncheon, truckage, | 22 06 |
| Mar. 5... | 32... | A. Warren, ice | 49 50 |
| 5... | 33... | Church & Hawley, furniture | 18 88 |
| 5... | 34... | A. S. Wood, map | 7 00 |
| 5... | 35... | S. Klauber & Co., merchandise | 359 77 |
| 5... | 36... | E. W. Skinner, castings | 7 35 |
| 5... | 37... | Ramsay & Campbell, hardware | 890 38 |

| | | | |
|---|---|---|---|
| | 5...38 | John N. Jones, hardware | 506 07 |
| | 5...39 | C. H. Luce, lumber | 496 85 |
| | 6...40 | B. W. Suckow, stationery | 74 86 |
| | 6...41 | Jungmann & Barckhan, furniture | 285 51 |
| | 6...42 | T. N. Bovee, hardware | 70 99 |
| | 6...43 | Dunning & Sumner, hardware | 52 52 |
| | 10...44 | Louis Lipman, diagrams for ag. report | 88 00 |
| | 19...45 | J. B. Moore, state agent, | 56 50 |
| | 19...46 | R. K. Findlay & Co , powder | 49 23 |
| | 19...47 | Dean, Pardee & Co., paints and oils | 191 23 |
| | 19...48 | Huntley & Steensland, crockery | 24 35 |
| | 19...49 | A. K. Young, contested election | 19 00 |
| | 19...50 | Thos. R. Hugill, do do | 13 00 |
| | 19...51 | C. W. Heyl, repairs on capitol | 16 75 |
| | 19...52 | John Funston, wood | 187 50 |
| | 19...53 | Church & Hawley, furniture | 916 58 |
| | 25...54 | M. K. Young, S. S. Wilkinson, Sat. Clark, E. M. Phillips, M. Simon, C. H. Sturtevant, J. White and John H. Vivian, committee benevolent institutions, $25 each | 200 00 |
| | 25...55 | H. S. Thorp, C. S. Kelsey, G. W. Mitchell, A. W. Starks, C. Ziller, W. W. Field, F. M. Wheeler and A. Pœrtner committee on state prison, $15 each | 120 00 |
| | 25...56 | George Paine, hardware | 115 66 |
| | 25...57 | Bonsall & Swain, work, &c., on capitol | 24 87 |
| | 25...58 | H. B. Merrell, hardware | 130 25 |
| | 25...59 | W. F. Porter, six settees | 21 75 |
| | 25...60 | A. McGovern, repairs of locks, &c | 21 38 |
| | 25...61 | C. V. N. Kittridge, hardware | 244 95 |
| | 25...62 | La Fayette Kellogg, fees as clerk | 156 75 |
| | 25...63 | Aaron French, fees as sheriff | 44 00 |
| | 25...64 | L. F. Parker, clerk's fees | 39 00 |
| | 25...65 | H. T. Tayler, sheriff's fees | 257 81 |
| | 25...66 | Edward O'Neill, special agent | 28 25 |
| | 25...67 | Wm. L. Marshall, advanced to volunteers | 70 60 |
| | 25...68 | Volmar & Semler, clothing, 17th regiment | 98 85 |
| | 30...69 | C. H. Upham, clerk's fees | 171 79 |
| | 30...70 | A. Kutzbock, capitol extension, | 3,381 31 |
| | 30...71 | A. Sherwin, sheriff's fees | 103 50 |
| | 30...72 | Institute for the blind, brooms and wisps | 25 25 |
| | 30...73 | E. Gibbs, gas fixtures | 40 65 |
| | 30...74 | Louis Lipman, diagrams of assembly and senate | 200 00 |
| | 30...75 | C. M. Webb & L. P. Powers, attorney fees | 75 00 |
| | 31...76 | Gustavus Grahl, governor's message in German, | 225 00 |
| | 31...77 | Francis Mika, do do Bohemian, | 110 00 |
| | 31...78 | John S. Dean and John H. Warren, clerks, $25 each | 50 00 |
| Apr. | 1...79 | N. W. Dean, wood | 1,583 55 |
| Mar. | 31...80 | John Funston, wood | 118 12 |
| | 31...81 | Neely Gray, 6000 pounds of coal | 40 50 |
| | 31...82 | C. F. Solberg, governor's message in Norwegian | 187 50 |
| | 31...83 | John T. Jones, do do Welch, | 187 50 |
| | 31...84 | D. W. Slosson, board of state prisoner | 2 16 |
| | 31...85 | John Vant Wood, governor's message in Holland | 120 00 |
| | 31...86 | Chas. J. Palme, translating | 30 00 |
| Apr. | 1...87 | Paul D. Hayward, services as clerk | 20 00 |
| | 1...88 | Atwood & Rublee, advertising | 60 00 |
| | 1...89 | S. G. Benedict, copying code, 1856, | 50 00 |
| | 1...90 | Charles Mueller, assistant surgeon, 1st regiment | 600 00 |
| | 1...91 | Henry A. C. Durkee, refunded interest | 11 47 |

| | | |
|---|---|---|
| 1...92...D. G. Powers, map | | 200 00 |
| 2...93...Crusius & Kleinpell, governor's extra message in German | | 320 00 |

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STATE OF WISCONSIN, }
SECRETARY'S OFFICE, } ss.

I, James T. Lewis, secretary of state of the state of Wisconsin, do hereby certify, that I have compared the foregoing list with the original acts of appropriations deposited in this office, and that the same is a complete list of all the appropriations made at the last session of the legislature, except such as are printed at length in this volume.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the state, at the capitol, in Madson, this 2d day of July, A. D. 1863.

[L. S.]

JAMES T. LEWIS, *secretary of state.*

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NOTE.—In the fourth line of section 1, chapter 286, page 429, for "heretofore" and "hereafter," read "thertofore" and "thereafter."

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# INDEX.

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